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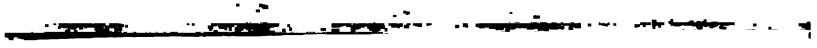

THE UNION

OF

ENGLAND AND SCOTLAND

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THE UNION

OF

ENGLAND AND SCOTLAND

A STUDY OF INTERNATIONAL HISTORY

BY

JAMES MACKINNON, PH.D.

EXAMINER IN HISTORY TO THE UNIVERSITY OF EDINBURGH

"The historical aspect of the Union is not nearly so well known as it ought to be, and as, indeed, it might naturally be expected to be."—*The Marquess of Bute, in "Parliament in Scotland"*

"As an Epoch, the Legislative Union with England, accomplished in 1707, is immensely undervalued."—*Duke of Argyle, in "Scotland as It Was and as It Is"*

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William Lund

Gratefully dedicated

TO

MY MOTHER.

PREFACE.

THIS book is an attempt to supply a much-needed history. In writing it, the author has made use of contemporary documentary evidence, including a large amount of new matter, which, being mentioned in the notes, it is unnecessary to particularise in the preface.

TABLE OF CONTENTS.

CHAPTER I.

PAGE

INTRODUCTION—THE UNION OF THE CROWNS (1603-93) - 1

Union by Coercion—Union by Marriage—Somerset's Offer of Incorporation—Influence of the Reformation in Favour of Union—James I. as Unionist—Discussion in the Commons—The Union Commission of 1604—Opposition of the English Parliament—Arbitrary Unionism of James—Cromwell as Unionist—The Navigation Act and Scottish Discontent—The Commission of 1670—Prospect of Union at the Revolution—The Massacre of Glenco and William's Unpopularity.

CHAPTER II.

DARIEN AND THE UNION (1695-1702) - - - - 15

The Fruits of the Regal Union—Fletcher and Seton on the Economic Condition of Scotland—Famine and Decline of Trade—Colonial Enterprise—William Paterson—His Adventurous Career—His Scheme of a Free Trade Colony—The African and Indian Company—Competition with England—English Hostility—The Enterprise a National One—English Opposition in Holland and Germany—Scottish Want of Foresight—Preparations for the Expedition to Darien—Regulations for Government of Colony—Departure of First Fleet—The Foundation of New Edinburgh—Negotiations with the Natives—Friction with the Spaniards—Dissensions in the Council of Government—Distress of the Colonists—A Tragic Voyage—Paterson's Lofty Principles—The Second and Third Expeditions—Renewed Dissensions—A Scottish Victory—Capitulation to the Spaniards—An Untenable Position—The Attitude of King William—Fury of the Scots—A Session of Parliament Opened and Adjourned—Unpopularity of the Scottish Government—An Edinburgh Mob—Revolutionary Plans—Bribery—Reopening of Session—William's Refusal to Assert Rights of

PAGE

Company—Demand of Redress—Resolutions against Action of English Parliament and Colonial Governors—Act or Address?—Violent Debates—Fletcher's Demand of Impartial Justice—Unpopularity of the King—William's Remedy of a "Closer Union"—Friction on the Subject between Lords and Commons—William's Dying Injunction in Favour of Union.

CHAPTER III.

THE ACCESSION OF QUEEN ANNE (1702-3) - - - 60

English Parties and the Question of War—Importance of War in Relation to Union—Anne and her Advisers—The Tories and the Prospects of Union—English Union Commission Appointed—Scottish Discontent and Apprehension—The Demand for a New Parliament—Hamilton's Protest in its Favour at Opening of Session—Secession from the Parliament—The "Rump" Parliament and its Proceedings - Commission of Union Agreed to—Nomination of Commissioners—Meeting in the Cockpit—Conditions of a "Compleat Union"—The Questions of Free Trade and Taxation—The English Debt—The Scottish Demand of an Equivalent—Equality of Duties—Disagreement on the African Company—Tentative Character of the Negotiations—Collapse—English Political Feeling—Harley and Carstares—Commercial and Ecclesiastical Opposition—State of Parties in Scotland—Presbyterian *versus* Episcopalian—Presbyterian Anxiety at Queen's Accession—Political Bearing of Ecclesiastical Disputes—Unifying Influence of Darien Catastrophe—Patriotism—The Court Party—Subservience to English Influence—Policy of the Country Party—Double Policy of the Jacobites—A New Election.

CHAPTER IV.

THE NEW PARLIAMENT AND THE ACT OF SECURITY (1703) 90

The "Ryding" of the Parliament—Intensity of Public Interest—Leading Scottish Politicians—The Dukes of Queensberry and Hamilton—The Earl of Seafield—The Earl of Stair—The Duke of Argyle—The Duke of Athole—The Earl of Marchmont—The Earl of Cromartie—Lord Belhaven—Annandale, Tweeddale, Roxburgh, Melville, Leven, Glasgow, etc.—Fletcher of Saltoun—His Patriotic Enthusiasm—His Political Idealism—Lockhart of Carnwath—Failure of Queensberry's Compact with the Jacobites—Supply or Redress of Grievances?—Defeat of the Government—Ratification of Presbytery—Act of Security—Protracted Debates

PAGE

on Various Clauses – Nomination of Successor to Lie with Estates—Conditions of Continuance of Regal Union—Government Obstruction—Indignation of Majority—A National Militia—Embarrassment of Queensberry—Act anent Peace and War—Fletcher's Scheme of Limitations—The Question of the Prerogative in the English Parliament – Fletcher's Arguments in Support of Scheme—Queensberry Urges Queen to Comply—Refusal—Furious Temper of Parliament—Motion to Separate the Crowns—Government Device to Obtain Supply—A Stormy Scene—Adjournment and General Indignation.

CHAPTER V.

A Plot and Its Sequel (1703-4) - - - - - 132

Resentment of the Queen—Deliberations of the English Government—Harley's Anxiety—Interest Abroad in Proceedings of Scottish Parliament—Emissaries from Courts of Versailles and St. Germain's—Simon Fraser—An Adventurous Life—His Revelations to Queensberry—His Negotiations in the Highlands—Outwitted by Ferguson—Discovery of his Intrigues by Athole and Hamilton—Their Indignation against Queensberry—Excitement in England—Intervention of the Lords – Altercations with the Commons—Case of Lindsay—Fraser Thrown into the Bastille—Dubious Attitude of Hamilton—Scottish Deputation to the Queen—Godolphin's Policy of Compromise—Reconstruction of English Government—Harley Secretary of State—The New Party Entrusted with Government in Scotland—Anger of the Countrymen—Party Intrigues at Edinburgh—A New Session of Parliament—The Queen Urges Conciliation—Uncompromising Temper of Opposition—Hamilton Resolves to Insist on Treaty of Union before Settling Succession—"The Protestant Religion in Danger"—Act of Security "Tacked" to Bill of Supply—Heated Altercation between Fletcher and Johnstone – Concessions of the English Government—Act of Security Touched with the Sceptre—Angry Denunciations of English Parliament—Defiant Legislation—Address to the Queen against the House of Lords—Harley's Complaint to Carstares—Failure of Compromise.

CHAPTER VI.

English Retaliation and Mutual Animosity (1704-5) 177

English Indignation at the Act of Security—Act of Security Justifiable on Principle of Self-Interest—Alarming Rumours of Warlike Preparations in Scotland—The Increase of Scottish Prestige—Act

PAGE

made Pretext of Tory Attack on Godolphin—Lord Haversham Denounces it in the House of Lords—Stormy Debates in the Royal Presence—Retaliatory Acts—Address in Favour of Preparations for War—Resentment of the Commons—The Alien Act—Anxiety of Moderate Scottish Statesmen—Unreasonableness of English Legislation—English Apologists of the Scots—Indignation in Scotland—Seizure of English Ship *Worcester* by the African Company—Trial and Condemnation of her Crew—Excitement in England—Mob Violence—Execution of Captain and Two of Crew—Injustice of the Sentence—Intensity of International Animosity.

CHAPTER VII.

CONCILIATION (1705) - - - - - - - - 199

Reconstruction of Scottish Government—The New Party in Discredit at Court—Intrigues of Rival Politicians for Power—The Duke of Argyle the New Commissioner—Reception at Edinburgh—Party Negotiations—A Ministry and a Programme Agreed on—Opening of the Session of 1705—Financial Reform—Treaty of Union or Limitations?—Additional Legislation for the Security of Scottish Interests—A Union Compatible with "the Fundamental Laws, Liberties, Privileges, Dignities of this Kingdom"—Arguments for and against—Athole Proposes that English Alien Act be Rescinded before Negotiating Treaty of Union—Shall the Nomination of Commissioners be left to the Queen?—The Duke of Hamilton's Sudden Change of Front—Scene in the House—Lockhart's Reflections—The Last of the Plot—Address to the Queen against the Alien Act—Prompt Response of the English Parliament—Promising Prospect of Successful Negotiations.

CHAPTER VIII.

THE UNION COMMISSION OF 1706 AND ITS CRITICS - - 218

The Selection of the Scottish Commissioners—The English Commissioners—The Gravity of the Crisis—Union or War the Only Alternatives—Anxious Preliminary Discussions—Incorporation or Nothing!—Meeting of Commissioners—Paucity of Details of Discussions—Unsuccessful Attempt of the Scots to Evade Incorporation—Mutual Trade and Other Privileges and Advantages—Equal Taxation and the Equivalent—Exemption Claimed by the Scots—Surrender of Parliamentary Constitution on Equal Terms—Scottish Courts Guaranteed—English Judges Debarred from Trying Scottish Lawsuits—Discussion of Scotland's Share of Par-

PAGE

liamentary Representation—Abolition of the Navigation Act—Compensation to the African Company—Adjustment of the Equivalent—Articles Presented to the Queen—Triumph of Arbitration—Letters of Mar and Harley—Criticism of Articles—Warring Pamphleteers and Essayists—Defoe, Paterson, Seton, and Fletcher—Defoe on English National Prejudices—Unreasonableness of the Current Episcopal Attitude towards Presbytery—The Advantages of Union to England—His Apology for Scotland—Advantages to Scotland—The Absolute Security of the Church of Scotland—The Bearing of this View on Disestablishment Movement—Arguments to Reassure the Presbyterians—"Once More in Print"—The Original Right of the Freeholder—Scottish Scrupulousness at Association with England—Defoe's Complaints of the Scurrilous Tone of Opponents—The Hopelessness of Scottish Competition with England—The National Covenant and Prelacy—Hodges' Plea for a Federal Union—Antiquity of Scottish Independence—Incorporation Incompatible with the Interests of Scotland—Objections to Incorporation—Fundamental Rights of Freeholder Inalienable—Tendency to Theorise on these Controversial Questions—Disadvantages of Incorporation to both Countries—Paterson as Unionist—Arguments for and against Incorporating Union Contributed by Other Writers—Grievances likely to Result from Incorporation—A Sermon in Favour of Union—Debates in Edinburgh Taverns and Streets—Fletcher as Controversialist—The Union will only Increase Poverty of Scotland—Altercation between Fletcher and Sir Edward Seymour—Criticism of the Controversy—Incorporation an English Ultimatum in the Interest of England—Absolute Incorporation Impossible—Utility of Preserving Scottish Parliament—The Shortsightedness of the Anti-Unionists.

CHAPTER IX.

THE FINAL STRUGGLE (1706-7) - - - - - 273

Attitude of Parties—Renewed Jacobite Activity—Intrigues of Colonel Hooke at Edinburgh—Interview with the Duke of Hamilton—The Duke and King Louis—Hooke's Double Dealing—Jacobite Dissension—Lockhart and the English Tories—Antagonistic Policy of the Countrymen—The New Party Support Incorporation—Excitement in Edinburgh—Animosity against Queensberry—Fletcher Demands Freedom of Publication—Proposal to Consult Constituencies—A National Fast—Riot at Edinburgh—Proclamation against Tumults—Motion to Proceed, and Counter Motion—Seton Advocates Incorporation—Belhaven Denounces It—His Memorable Oratoric Effort—Marchmont's Amusing

PAGE

Comment—Principle of Incorporation Voted by a Majority —Protest of the Duke of Athole—Importance of the Attitude of the Scottish Church towards the Union—The Cameronians—William Carstares—Meeting of the Commission of Assembly—The Humble Petition and Address—Recommends a National Fast—Carstares Reproved in Greyfriars Church—A Second Petition in Favour of More Stringent Act of Security - Ecclesiastical Prohibition—The Act Securing the Church of Scotland Passed under Protest—Main Provisions—The Discussion of the Second Article—The Opposition Willing to Accept the Hanoverian Succession—"The Dying Constitution"—Seton's Defence of the Third Article—Victory of Incorporation—The Remaining Articles Excite Less Debate—Another Riot in the Capital—Plot to Assassinate Queensberry—Disquieting Rumours of Popular Ferments—Proclamation against Tumults—Repeal of Clause of Act of Security Authorising the Arming of the Lieges—A Bellicose Preacher at Glasgow—Popular Outbreaks—Burning of the Articles at Dumfries—Plan to "Raise" the Parliament—Petitions against the Treaty—Their Party Character—Demonstration at Edinburgh—Further Discussion of the Articles—The Equivalent Again—The Opposition Resolve to Protest and Secede—The Duke of Hamilton Wavers—The Selection of Scottish Representatives to the British Parliament—The Allotment of Members—The Decisive Votes of the New Party—Stormy Character of the Session—Apprehensions of Failure—Anxious Correspondence between London and Edinburgh—Feeling in English Political Circles—The Queen's Letter on Presenting Scottish Act of Ratification to the English Parliament—The Treaty before the Lords—Security of the Church of England —Haversham Assails the Treaty—Large Majorities in Favour—The Measure before the Commons—*Jure Divino*—"Post Haste" —The Bill for an Union Passes Both Houses—"Ane End of Ane Old Song"—Queensberry's Triumphal Progress to London—Ovation—Religious Celebration in St. Paul's- Public Rejoicings.

CHAPTER X.

INAUGURATION OF THE UNION (1707-9) - - - - 337

Temper of Scottish Irreconcilables—Anecdote of "A Reverend Gentleman of Fyfe"—Misgivings and Regrets—Reflections on the Career Opened up to Scotland—The Charge of Bribery—Examination of the Charge—Negotiations for a Loan of £20,000—Report of the Commissioners of Public Accounts—Lockhart's Biassed Interpretation—Queensberry Vindicated—Refutation of

PAGE

the Charge—Political Morality of Age in Bearing on Bribery—The Question of Bribery by the Jacobite Opposition—The New Party Vindicated—The Painful Process of Inauguration—Attempts to Defraud the Revenue—Clamour of the London Merchants—Interference by the Commons—Exasperation of the Scots—Dissatisfaction at Delay in Paying the Equivalent—Friction with English Customs Officials—Smuggling and its Repression—Unpopularity of English *Régime*—Abolition of Scottish Privy Council—References to Further Improvements in the Queen's Speech to the New Parliament of 1708—Vindication of Rights of Scottish Electors—Queensberry's Claim to Vote in the Election of Scottish Peers Disputed—Reform of the Scottish Law of Treason—The Conflict in the House of Lords—Burnet's Denunciation of Confiscation—Protest against this Reform as Infraction of Treaty—The Scottish Members at Westminster Form no National Party—Their Influence on English Measures.

CHAPTER XI.

EFFORTS TO "BREAK" THE UNION (1707-8) - - - 374

Jacobite Conspiracy to Overthrow the Union—Colonel Hooke's Mission from the French Government—His Activity—Division among the Jacobites—Hamilton Distrusted by the Extremists—Hooke's Real Object to Create Diversion in Favour of France—His Tactics to Unite Both Sections of the Jacobites—Hooke's Progress Southwards—Interview with Hamilton's Agent—Shifts of His Grace to Avoid Compromising Himself—Conclaves at Scone—Ker Undertakes to Answer for the Cameronians—Negotiations as to Agreement between Scottish Jacobites and King Louis—Animated Discussions—Memorial to King Louis—Hamilton's Letter to the Pretender—His Caution in Contrast to Athole's Rashness—Hooke's Report to the French Government—Assurances of Support in Letters to France—Intrigues by Ker of Kersland—A Dangerous Escapade - Impatience of Leading Jacobites—Exhortations to M. Chamillart to Act—The Departure of the French Fleet—Alarm and Preparations at Edinburgh—Driven Off by Admiral Byng—Jacobites Ready to Rise—Hamilton's Vacillation—Dismissal of Harley—Whig Triumph—Congratulations of Parliament on the Failure of the Expedition—Leading Scottish Jacobites Imprisoned in the Tower—Vindication of the Presbyterians—Remissness of the Government in regard to the Defence of Scotland—Defencelessness of Scotland—Renewed Jacobite Efforts to Obtain French Assistance.

CHAPTER XII.

PAGE

UNCONSTITUTIONAL LEGISLATION AND INTERNATIONAL FRICTION (1709-14) - - - - - - - 406

Harley's Intrigues against the Whigs—Sacheverell's Sermon—Fall of Godolphin—The New Elections—The Return of a Tory Majority in England and Scotland—Election Tactics—Presbyterian and Episcopalian—Greenshields' Appeal to the Lords—Religious Animosity—Letter from an English Officer at Edinburgh—Toleration of the Scottish Episcopalians—Oath of Abjuration Enforced on Presbyterian and Episcopal Clergy Alike — Presbyterian Objections and Discontent—Ecclesiastical Deputation to Parliament—The Restoration of Patronage—Representations against by the Church of Scotland—Secession of Non-Jurors—Increased Taxation—Resistance of Scottish Members—"Scotland Subject to the Sovereignty of England"—Hamilton's Claim to Sit as an English Peer Refused—The Malt Bill—Strenuous Opposition of the Scots—Shall the Union be Dissolved?—Jacobite Tactics—Memorable Conference of Scottish Members of the Commons—The Scottish Peers Support Them—Agreement to Move for the Dissolution of the Union—Deputation to the Queen—Great Debate in the Lords on Seafield's Motion—Contentions of Peterborough, Argyle, Oxford, Nottingham—Swift's Bitter Attack on the Union—Denounced by Lord Wharton—Swift Secretly Protected by the Government—The Trend of Tory Feeling in England towards the Pretender—"The Protestant Succession in Danger"—Fall of Oxford—Disappointment of Bolingbroke—Jacobite Hopes of Anti-Unionist Revolution Disappointed.

CHAPTER XIII.

RIOT AND REBELLION (1715-45) - - - - - - 436

Retrospect—The Union Bound up with the Liberties and Protestantism of both Kingdoms—The Union a Political and Religious Necessity—The Scots Celebrate the Accession of George I.—The Jacobites Prepare for a Rising—Election Manœuvres—The Earl of Mar—Journey from London to Braemar—Gathering of Jacobites—Mar Curses the Union—Sheriffmuir and Preston—Scottish Grievances—Complaint by the Court of Session—The Limitation of the Peerage—The Controversy over it—Addison, Steele, Walpole—Excited Debates—Rivalry between Argyle and Roxburgh for Administration of Scotland—The Election of Scottish Peers the

PAGE

Occasion of Trial of Strength—The Excise on Ale, and What Came of it—Protest against it as Infraction of Sixth and Seventh Articles of Treaty—Anger of the Scots—Plan of National Convention to Deliberate on the Dissolution of Union—Popular Outbreak at Glasgow—Opposition of the Edinburgh Brewers—Roxburgh Dismissed from Office of Scottish Secretary—Office Provisionally Abolished—Bribery of the Scottish Peers—Fall of Walpole and its Effect on Scottish Politics—Smuggling—The Porteous Riot in its Bearing on the Union—The "'45"—Scotland Defenceless—Conquest of Scotland—Plan to Summon a Scottish Parliament—Invasion of England—Consternation at London—Government Charged with "Total Neglect" of Scotland—The Attitude of the Scots—Retreat—Culloden—Retaliation—Highland Regiments and Colonisation by Highlanders.

CHAPTER XIV.

INTERNATIONAL INTERCOURSE AND INDUSTRIAL PROGRESS IN THE EIGHTEENTH CENTURY - - - - 461

Want of Sympathy between Scot and Englishman between 1707 and 1745—Quarrelsome Pamphleteers—Broad Scots and the Incipient Assimilation of English Culture—Beginning of Practice of Sending Scottish Boys to English Schools—Its Denationalising Tendency—Influence of English Literature—The Wisdom of Pre-Union Scottish Legislation—The Superiority of the Scottish Legal System to that of England—Limited Intercourse between Scot and Englishman in the First Half of the Eighteenth Century—Services of Scottish Statesmen in Consolidating the Union—English and Scottish Prejudices—Long Period of Commercial Depression after the Union—Patrick Lindesay and Duncan Forbes as Commercial Reformers—Lindesay's *Interest of Scotland*—State of Scottish Foreign Commerce in the First Half of the Eighteenth Century—Improvements Suggested—Forbes Denounces Smuggled Tea—Poverty and Gloom Preceding the Rebellion of 1745—The Dawn of Progress—Agricultural Improvement—Industrial Development in the Latter Half of the Eighteenth Century—Astonishing Statistics—How Far Progress Attributable to the Union—Share of Scotsmen in the Making of Empire—Mutual Advantage to Both Countries—The Highlands—Effects of Union—English Travellers in Scotland in the Last Quarter of Century—Their Congratulatory Tone—The Moral Union.

CHAPTER XV.

PAGE

NATIONALITY AND THE UNION - - - - - - 501

Political Lethargy of Scotland between 1745 and 1825—The Union and the Proposed Repeal of Penal Legislation against Catholics—The Friends of the People—Autocratic Self-Government in Scotland—The Uncrowned Kings of Scotland—Popularity of Lord Melville—Awakening of the Critical Spirit—Grievances of the Scots—Centralisation—Equality of Taxation, but not of Allowances—Neglect of the Scottish Universities—The Fruits of Patronage—Strife and Secession—The Free Church—Disestablishment and the Union—Legislative Over-Pressure: Its Effects on Scotland—The Tribulations of Scottish Deputations to London—The Restoration of Office of Scottish Secretary—Scottish Home Rulers—Scottish Home Rule Literature: Its Defects—Patriotism—The Case for the Revival of the Scottish Parliament—Contemporary Grievances—The Question of Over-Taxation of Scotland—Scottish Nationality—Revival of nterest in the Past—Sympathy and Good Fellowship.

THE

UNION OF ENGLAND AND SCOTLAND.

CHAPTER I.

INTRODUCTION.

THE UNION OF THE CROWNS (1603-1693).

THOUGH the question of union between England and Scotland became a question of critical importance only with the accession of Queen Anne, it had long bulked in the international history of the two kingdoms. Union by coercion was more or less at the bottom of the long struggle between Pict or Scot, and Roman or Saxon. Æthelfrith, Oswiu, Ecgbert, Agricola, Severus, might be mentioned as unionists of this forcible type. Their efforts failed. The most notable instance of this failure is preserved in the memory of the battle of Nechtansmere (685) in Forfarshire, where Ecgbert lost his life, and whence few of his host escaped southwards to tell the tale.

The plan of union by coercion, which Roman and Saxon attempted in vain, gave place, in the days of Edward I., to the plan of union by marriage. Edward proposed that the heiress of the Scottish crown, the unfortunate Maid of Norway, Alexander the Third's granddaughter, should wed his son and successor. The stipulations of the treaty, concluded by the English king with the

representatives of the Scots, guaranteed the inviolability of the laws, liberties, and customs of Scotland, the reversion of the Scottish crown, in the event of the want of issue from the royal marriage, to the next heir, and the convocation of the Scottish Parliament, as well as the profession of homage by the Scottish nobility to the sovereign of the United Kingdom, within Scottish territory. The death of the bride, during the voyage to Scotland, prevented the realisation of this statesmanlike plan. In the disputes of rival claimants, Edward, who asserted his claim, as Lord Superior of Scotland, to arbitrate, found the opportunity of resorting to the old method of coercion. When he marched southward with the Stone of Destiny, as a memorial of his conquest of Scotland, he did not eradicate the sentiment of Scottish nationality. He merely imparted to it the determination to resist to the death a union, which had wounded it to the quick.

Henry VII. was the next English king to return to a project, whose failure had been followed by two centuries of the bitterest hostility, as the result of Stirling Bridge and Bannockburn. In 1502, Margaret Tudor became the wife of James IV. This marriage ultimately led to the union of the two crowns, if not of the two kingdoms, exactly a hundred years later. Henry foresaw the possibility, and the utility of union. He did not share the apprehensions of some of his advisers, for he realised that England must be the chief gainer in the future transaction. "If any such thing happen," said he, "I foresee that our kingdom of England will lose nothing thereby, because there will not be an accession of England to Scotland, but of Scotland to England."

Henry VIII. schemed to make this possibility probability, by the offer of the Princess Mary in marriage to James V. James went to France for a wife, however. Henry afterwards bethought him of uniting Prince Edward to young Mary of Scotland, who had become queen by her father's tragic death, after the rout of Solway Moss.

He won over the Regent Arran, and even secured the secret recognition, by some of the discontented Scottish nobles, of his claim as Lord Superior of Scotland. A matrimonial and political alliance was arranged, but it was wrecked on the opposition of Cardinal Beaton and a large conservative party. Henry had made himself extremely unpopular among Scottish churchmen by exciting their apprehension lest the reforming English autocrat should, as the omnipotent ally of Scotland, deal as arbitrarily with the Scottish hierarchy, as he had with the English clergy. He sent Hertford in 1544 to reduce Scotland to his will. The ruins of some of the finest of its abbeys—Melrose, Kelso, Dryburgh—attest to-day the vindictive thoroughness with which the earl performed his task. After the battle of Pinkie, three years later, Hertford, now duke of Somerset and lord protector of England, made his memorable offer of a liberal treaty of union, which contained the main provisions of that of 1707. He proposed that the two kingdoms should be united under the common name of Great Britain; and that, while each should retain the more distinctive of its institutions, the laws restricting trade should be abolished. He assumed the language, not of a conqueror, but of a statesman, equally anxious to serve the best interests of both peoples. He declared himself the advocate of a new policy of free trade, equality, and amity. "What can be more offered than intercourse of merchandise in the abolishing of all such our laws as prohibit the same? . . . We have offered to leave the name of the nation and to take the indifferent old name of Britains again. . . . We intend not to disinherit your queen, but to make her heirs inheritors also of England. We seek not to take from you your laws nor customs;" * for, added he, "there are many kingdoms in Europe which are one, though of various constitution in their different parts".

* Holinshed, *History of England*, III., 998.

Scotland was not prepared for this amalgamation of interest and policy. She preferred to fall back on the French alliance, and, with the assistance of a French army, to retrieve her defeat. The protector's army was driven across the border, and Mary sent across the sea to become the wife of the dauphin, and subsequently queen of France. Tradition and patriotism prevailed over foresight and even self-interest to make Scotsmen suspicious of the proposal, though made in terms so generous.

The current of this predilection in favour of France was destined to suffer a recoil in the near future. The Reformation won for itself a strong party in Scotland. The interest of Scotland, on religious grounds, was perceived to lie in friendship with its powerful reformed neighbour. The Lords of the Congregation, as the secular leaders of the Protestant party were called, appealed to the English Government for assistance against the French army, which the regent, Mary of Guise, called in to stem the tide of the Reformation. The arrival of an English fleet in the Forth, to co-operate with the Scottish reformed forces, was the first significant evidence of that change of view and policy, which was to weld the kingdoms into one. The triumph of the Reformation and the struggles of Queen Mary's reign strengthened the good relations between the Protestant party and a Government, which understood how to take advantage of the situation to break up the old Franco-Scottish alliance. The renunciation of the crown by Mary, and the accession of her infant son, as James VI., in which these struggles terminated, implied more than a mere change of ruler. They were the guarantee of a change in the nation's destiny. The victory of Langside put this beyond doubt. Scotland would not be governed by a Catholic sovereign, nor suffer a creed which, religious dogma apart, must keep it in antagonism to Protestant England. The party of a Catholic queen was crushed by the party of a Protestant king, who was ere long to mount the throne of England, and realise the long cherished

scheme of some of the greatest English sovereigns and statesmen, of uniting the two crowns. On the 6th of May, 1603, James VI. entered London, amid the acclamations of the crowd, to be crowned King of England.

James aimed at something more than being the monarch of two separate kingdoms. He was an ardent unionist of a very thorough type. It accorded with his despotic and vainglorious character to seek to wield the sceptre of one powerful nation. His letters and speeches, at the beginning of his reign, to the Lords and Commons, teem with the desire for "a perfyte union". He pressed the subject on the consideration of both Parliaments, in order that "as they were made one in the head, they might be inseparably conjoined, and all memory of particular divisions be extinguished".* He broke in upon the debates, to which the proposal gave rise in the Commons, to remove the objections of the more conservative party against the proposed substitution of the name Great Britain for that of England, and against the adoption of free trade between the two nations, by explaining that in granting a Commission to discuss the subject they would still retain the right to reject its recommendations. "Ye will be your own cookes," he wrote, "to dress it as ye list." James was ably seconded by Sir Francis Bacon, who supported his contention in favour of a change of name, by the plea that the name of Great Britain was both ancient and honourable. "One fair stone in a jewel," he exclaimed, "is more precious than a jewel composed of many." Mr. Fuller, imitating the use of simile, argued, on the other hand, "that if the boundary or partition between two flocks of sheep, fed in several pastures, be taken away, the flock in the worst ground will come into the better, and eat that as bare as theyr owne, and so starve both".

James summoned the Lower House to appear before him in the gallery next St. James's Park, where, sur-

* Spottiswood, *History of the Church of Scotland*, fol., Bk. VII., p. 479.

rounded by the Lords, he delivered himself of a characteristic oration. He argued that as there already existed an union in substance, it should be acknowledged by a formal act. He denounced the objections raised in the Commons as "the curiosities of ignorant persons, such as sought to finde knots in bulrushes". If Scotland should demur, he would compel assent. The Commons, it would seem, retired from the royal presence in a very dubious frame of mind. Ultimately, they acceded to the royal request, and commissioners were selected to discuss the conditions of union, and submit a report. The dubiety as to the result of their compliance appeared in the emphasis laid on the king's assurance that there should be no alteration of "the fundamental and auntient lawes and priviledges of this country". The Scottish Estates expressed their conservatism in still more emphatic manner, and prohibited their representatives from discussing any proposal that "derogated from any fundamental lawes, auntient privilegeis, rights, offices, dignities, and liberties of this kingdome". *

The commissioners met at Westminster, on the 20th October, 1604, and continued their sittings till the 6th December. They agreed to recommend the abolition of all previous hostile legislation and border laws, the adoption of a free home trade, with the exception of certain specified articles, a uniform tariff for goods imported from abroad, and free navigation for the ships of both countries with ports of either. The fishings for fourteen miles around their respective coasts were reserved, but Scotsmen might become members of English commercial companies, and the inhabitants of one country were to enjoy the privileges of natural born subjects in either. The appointment to crown offices, in both kingdoms, was limited to their respective subjects, "until there be such a full and perfect accomplishment of the union as is mutually desired by both the

* Bruce, *Report on the Union*, II., App. ii.-xiii.

realmes". * In deference to the touchiness of the king, however, in point of his prerogative, they left this clause subject to the royal discretion.

Nearly two years elapsed before the English Parliament gave its consideration to this report. Although the king had declared that the Englishman "who doth not love a Scotchman as his brother is a traitor to God and the king," it was not prepared, in the imperative profession of its affection, to surrender the national patrimony. James had striven in vain to reassure them on the score of Scottish preferments to English posts of State. "I shall never be that greedie of Scottishmen's preferment," wrote he to lord Cranborne, "as to prefer any by whom occasion might be given to the least discontent of the people here." † Sir Francis Bacon, the solicitor-general, seconded his master in a lengthy speech, in which he answered the objections and showed the groundlessness of the fears of the anti-unionists. But the current of English jealousy of naturalisation was too strong to be overborne by arguments in favour of the benefits of union, conceived in the most telling language. The discussion went no further than a debate, tending to show that, though England might be willing to adopt Scotland as a province under her laws, she was not prepared to share her privileges with her, on terms of equality. James was irritated at this show of aversion to his darling scheme, and soundly rated both Houses in a characteristic speech, on the 2nd May, 1607. "If ye have doubts, lett me know it; ye have not a foole to your king, but will be able to give you some satisfaction. If ye have no doubts, then go on and lose no delays. In so doing, strangers will beare me the greater reverence." ‡ The members listened submissively to his majesty's harangue, but were not convinced by his explanations and exhortations. There the question ended, as far as the English Parliament was concerned.

* Bruce, *Report*, II., App. xv. † *Ibid.*, App. xvi.
‡ *Ibid.*, App. xxii.

The Scottish Estates, on the other hand, showed a far more compliant spirit. In a sitting held at Perth, on the 11th August, 1607, an Act was passed ratifying the recommendations of the commissioners and conceding to all Englishmen, born after the accession of King James, the privileges of Parliament, "of every kind without exception". Their irritation at the grudging reluctance of the House of Commons was heightened by the grievance of the loss of trade and prestige consequent on the departure to the Court to London. They had soon too good reason to add the complaint of the arbitrary attitude of the king himself towards his "auntient kingdome". James, indeed, in virtue of his self-assumed prerogative, enacted several measures in the direction of union. He assumed the title of King of Great Britain, and ordered it to be used henceforth in all treaties and proclamations. He commanded the garrisons of Carlisle and Berwick to be removed, the border "keeps" to be demolished, and coins, with suitable inscriptions, to be issued, commemorative of this merely regal and arbitrary union.* He proclaimed all his subjects of Scotland born after his accession, to be non-aliens, and, therefore, entitled to English trading privileges. But the history of his government in Scotland is the history, not of a conciliatory policy, but of coercion to his ecclesiastical supremacy. James' high-handed unionism in Church and State only resulted in fanning the old spirit of animosity towards England, and in preparing that obstinate resistance, which was to exact a tragic reckoning in the struggle with his like-minded son and successor.

Cromwell is the next prophet of union. After he had crushed the Scottish adherents of monarchy, by the victories of Dunbar and Worcester, he addressed himself to the task of wooing the conquered nation by the offer of a share in the privileges of the English Republic. This wooing was not conducted in very cavalier fashion. The

* Spottiswood, *History*, 479-486; *cf.* Defoe's *History of Union*, App. xii., pp. 104-109.

Protector was not the man to hesitate in the face of national prejudices, or national institutions, in a case in which success in arms was regarded as equivalent to the favour of Heaven. Commissioners from the English Parliament were appointed to manage the affairs of Scotland, as if neither Parliament, nor General Assembly existed. The Assembly was cleared by Colonel Cotterel's soldiers, and the ministers forbidden to meet above three in number. The Court of Session was replaced by a Commission of seven judges, four of whom were Englishmen. These were preliminaries to the complete incorporation of Scotland, as a province of the English Commonwealth. A new set of commissioners was sent down to discuss with representatives from about half the burghs and shires, the unwelcome proposal that the people of Scotland should be united with the people of England into one commonwealth. The Scottish deputies gave an unwilling consent. In the Parliament of the commonwealth Scotland had to be content with thirty members, to four hundred for England. In return, the Protector treated her generously in the matter of trade. The commerce between the two countries was henceforth to enjoy mutual "privileges, freedom, and charges". This boon of free trade contributed to increase the dissatisfaction in England, with an arbitrary rule, which went the length of suppressing Parliament itself. But it served to open the eyes of the Scots to the material advantages connected with a closer union with a more powerful and wealthy neighbour.

The deprivation of these at the Restoration only quickened the sense of their value. The Navigation Act, which limited the English carrying trade to English vessels, aggravated the evil by intensifying the policy of commercial restriction, whose aim was to keep Scotland poor, and which ultimately forced on England the alternative of separation, or commercial co-operation. The discontent was intensified by that long and bloody struggle of Presbytery against Prelacy, which makes the reign of Charles II. such

a sombre and tragic period in Scottish history. Religious and civil strife desolated the country, and left a legacy of hatred to English ecclesiastical polity, and a suspicion of English honour, that reminded of the old days of the French alliance. The Scottish Estates responded to the English Navigation Act by placing the English maritime trade under the same restrictions with regard to Scotland. They felt the pinch of prohibition too sorely, however, to rest satisfied with retaliatory legislation. The disastrous consequences to Scottish commerce induced them to petition the king in 1666 to appoint commissioners to discuss the question of the abolition of the obnoxious measure, as far as it affected Scotland, and of the oppressive impositions on the border trade. They complained that "by some Acts of Parliament here in England, the king's subjects of Scotland are thereby debarred from the privileges granted to all his majesty's other subjects". A fruitless paper warfare raged over the points at issue between the commissioners of the respective countries, who were appointed to discuss the subject during the next two years. They were replaced by new commissioners, who met at Somerset House, in September, 1670, to renew the discussion. Unanimity prevailed on the proposition that the two kingdoms should be inseparably united into one monarchy, under his majesty and his heirs. But before the crucial question of free trade was reached, the negotiation broke down, on the contention of the Scots that their Parliament should simply be conjoined with that of England.* This would have brought a dangerous accession of strength to English nonconformity, besides being more than Scotland's fair share of influence in legislation for a united kingdom. Charles, on being referred to, excused himself with the pretext of pressure of other affairs, and adjourned the sittings till March. The commissioners met no more; but Scotland might congratulate itself that it had at least

* Bruce, *Report on Union*, II., App. xxxi.-xlv. *Memoirs of the Affairs of Scotland*, by Sir G. Mackenzie, pp. 185-211.

escaped the dubious benefits of a union, which would have perpetuated the episcopal establishment north of the Tweed, and, considering the unconstitutional procedure of the ruling party in Scotland at that time, would have been at the best nothing but a job.

The temporary unity of sentiment, begotten by the aggression of James II. on the constitution of both countries, led the Scottish Whigs to throw in their lot with those of England, and make choice of the same king and queen. The Claim of Right became the new charter of Scottish liberties. The energy with which Scotsmen had asserted them is a striking proof of the vitality of Scottish political opinion, throughout the long period of suppression, under Lauderdale and other instruments of English domination. It is not too much to say that the balance of power lay with the Convention of Estates, that met in Edinburgh in March, 1689. The Presbyterian members came with deep feelings of resentment, and cast threatening looks on the men opposite, who had persecuted their bodies and outraged their consciences. It lay with them to say whether Scotland should abolish a partnership that had wrought it so much mischief. The prospect of a better future under a Protestant king and queen, bound by the Claim of Right, decided the Estates to follow the lead of England. In his reply, William took pains to emphasise the need of a satisfactory union. The duke of Hamilton, their president, contended that the lack of readiness did not lie with Scotland, but with the English Parliament, and intimated that, in order to show their desire for conciliation, the Estates had, on the 23rd April, nominated a Commission, for the fifth time, to renew the discussion. They had endeavoured to avoid animosities and prejudices in the interest of the public good, and were willing not only to submit all debatable points to the wisdom of a united Commission, the question of Church government alone excepted, but to refer any difficulty in the course of the discussion to the king.*

* See *Letter of the Estates to King William*, 1689.

Unfortunately, the English Parliament declined to entertain this magnanimous overture. It is doubtful whether it deemed it worthy of even a passing discussion. No Commission was appointed, and the Scots were left to cherish the bitter reflection that they had been too prompt, for their own interest, to accept the same settlement of the crown with England.

The popularity of William's advent to the throne, which was accepted by the Presbyterians as a guarantee of liberty of conscience and the promise of a new era of prosperity, was dimmed by the atrocious massacre of Glenco. The cause of James, for which the Highland clans had taken arms, was, strange as it may seem, lost by the victory of his adherents at Killiecrankie. The Jacobite clans won the battle; but the loss of their leader, Dundee, was an irreparable blow to the prospects of the exiled king. General Mackay rallied his scattered regiments, and the Highlanders dispersed with their plunder. William strove to woo their allegiance by an act of indemnity, and by a judicious distribution of money. In August, 1691, a royal proclamation offered pardon to all who should take the oath of allegiance by the 1st of the following January. All the chiefs, with the exception of MacDonald of Glenco, complied. MacDonald, unfortunately, procrastinated till the end of December. When at length he appeared at Fort William to take the oath, the commander, Colonel Hill, declared himself unauthorised to administer it. The colonel gave him a letter of recommendation to Sir Colin Campbell, the sheriff-depute of Argyle. MacDonald hastened, in tempestuous weather, across the hills to Inverary, but did not arrive till the 3rd January. His tears and entreaties softened the sheriff, who administered the oath, and sent a certificate, with explanations, to Edinburgh. The clerk of the Privy Council refused to receive it, on the ground that the date was not consistent with the terms of the proclamation. In the belief that all danger was past, MacDonald returned to his glen to inform his

dependants that he had made his peace with the Government, and to oblige them to observe the terms of the oath. On the 1st February, 1792, a detachment of soldiers, commanded by Campbell of Glenlyon, uncle of the wife of one of the chief's sons, was marched into the glen, and quartered among the inhabitants. The commander gave out that they came for no hostile purpose. He and his men were entertained in hospitable Highland fashion till the 13th February. Glenlyon spent the evening of the 12th playing cards with MacDonald's two sons. Between four and five in the morning a party of soldiers broke into the chief's house, shot him dead as he was getting out of bed, stripped his wife and tore the rings off her fingers, killed two clansmen, and mortally wounded another. The bloody outrage was repeated at almost every hamlet in the glen. Neither age nor sex was spared in this hellish orgie of cruelty and treachery. One boy of twelve years was shot dead as he clutched Glenlyon's knees and implored mercy. A number, including the chief's sons, managed to escape in the dark to the hills, most of them to perish from exposure to the fierce blast of a blinding snowstorm. The houses were burned down and the cattle carried off. Not a soul would have escaped had not Colonel Hill, who had arranged to march with 400 men from Fort William and begin the slaughter at the east end of the glen, been delayed by the stormy weather.

All Scotland, nay, all Europe, was filled with horror at this barbarous deed. Execrations were hurled against the lord advocate, Sir John Dalrymple, by whose instructions Glenlyon and his murderous crew had acted. The king was bitterly assailed for sanctioning so detestable a crime, and an inquiry fiercely demanded. The public odium at length forced William to appoint a Commission * in June, 1693, to sit at Holyrood and examine witnesses. Their investiga-

* See Report of the Commission given by his majesty for inquiring into the slaughter of the men of Glenco, subscribed at Halyrude House the 20th day of June, 1693.—*Carstares State Papers*, pp. 236-254.

tions brought out the fact that the king had signed an order to proceed by fire and sword against those who refused the oath of allegiance, but to spare their lives if they submitted at discretion. MacDonald, however, was, if possible, to be excepted, as it would only be "a proper vindication of the public justice to extirpate that sect of thieves". Dalrymple, in a later communication to Sir Thomas Levingston, added: "It is a great work of charity to be exact in rooting out that damnable sect, the worst in the Highlands". This letter was followed by others suggesting methods for carrying out the murderous plan secretly and swiftly. Colonel Hamilton was significantly enjoined not to trouble the Government with prisoners.

The commissioners, while thus exposing the atrocious conduct of Dalrymple, tried to exonerate the king by the assumption that his majesty only contemplated extirpation, in the event of a refusal to submit and accept the king's mercy. The defence was a weak one. In the view both of contemporaries and posterity, the guilt of one of the most hideous crimes in history tarnishes the reputation of William and his minister. For us, the fact that the massacre contributed to estrange the bulk of the nation from a monarch who, besides being a foreigner, was guilty of at least a political blunder, is of primary significance. It served to intensify the dissatisfaction with a system which made that monarch King of Scotland, as well as Sovereign of England.

CHAPTER II.

DARIEN AND THE UNION (1695-1702).

THE refusal of the repeated demands for mutual trade privileges was a source of bitter discontent to the Scots. Scottish pride was wounded by the policy of ignoring their country, apparently adopted by the English Parliament. Resentment at the rebuff of the union overture of 1689 was intensified by regret at the shortsightedness, that had neglected to improve the opportunity of the Revolution to exact better terms of partnership from England. (Under the regal union, Scotland occupied the position of the junior partner, whose interests were slighted by a more opulent and powerful colleague.) The result was perceptible in the depreciated status of the country, and the widespread poverty which the Scots ascribed to the union of crowns. The history of the previous hundred years is for Scotland a history of decline—decline in material prosperity, as well as in national influence. A century of English interference, religious dissension, and international friction had reduced the country to beggary and impotence. Contemporary writers are unanimous in charging the political system, established in 1603, as the main cause of the national depression, that culminated in the poverty and misery of the last decade of the seventeenth, and the opening years of the eighteenth centuries. Misgovernment, with its adjuncts of civil and religious strife, was the fruit of a system, which placed the fate of Scotland in the hands of an Anglified monarch, whose Scottish ministers were more or less the tools of English influence and interests.

It may be granted that to rule two nations, which had been for centuries bitterly hostile to each other, whose material interests, according to the accepted commercial policy of the time, were no less antagonistic, and which laboured under the misfortune of being divided in their ecclesiastical polity, was no easy task. It may be granted, too, that the religious animosities of the seventeenth century rendered industrial and commercial progress in Scotland difficult. Had the Scots laid less emphasis on the ecclesiastical nostrums of the age, and devoted more energy to the development of industry and trade, the country would not have sunk to the melancholy level at which the close of the century found it. The neglect of its foreign trade, the low state of manufactures, the vicious system of agriculture, were evils for which the Scots were themselves largely responsible, even if it be granted that the distractions of a century of religious and civil struggles—the fruits of misgovernment under English auspices—contributed not a little to cramp the development of industry. The irate economists who took to pamphleteering are for the most part inclined to be oblivious of their own shortcomings, in the congenial exercise of venting their anger on their neighbours. The melancholy condition of Scotland during the decade that followed the Revolution affords, all the same, matter sufficient to justify their anger at the past, and to nurture their anxiety for the future. "Partly through our own fault, and partly through the removal of our kings into another country," laments Fletcher, "this nation, of all those that possess good ports and lie conveniently for trade, has been the only part of Europe which did not apply itself to commerce; and possessing a barren country, we are sunk to so low a condition as to be despised of all our neighbours, and made incapable to repel an injury, if any should be offered." *

The details with which this pure-minded and fervent

* *First Discourse concerning the Affairs of Scotland: Political Works*, p. 81.

patriot amplified this dismal picture are sombre enough. He portrays, in contrast to the busy opulence of London, the lugubrious vista of seaports, formerly the scenes of a thriving commerce, falling into ruin; of an ever-decreasing mercantile navy, of a decaying agriculture and industry, languishing for want of capital. There were formerly as many ships owned in the ports of Fife as were now possessed by the whole of Scotland, while most of these once prosperous Fife burghs "are in our day little better than so many heaps of ruins".* The decay of trade had reacted adversely on agriculture. Whilst the increase of English commerce had raised the value of land, the corresponding decline observable in Scotland had sunk rents, impoverished the tenant, and compelled him to pay his landlord in kind. This decline, he contended, was simultaneous with the union of the crowns, and was traceable to that event. "Our trade with France was very advantageous by reason of the great privileges we enjoyed in that kingdom. Our commerce with Spain had been very considerable, and began during the wars between England and that nation; we drove a great trade in the Baltic with our fish, before the Dutch had wholly possessed themselves of that advantageous traffic. Upon the union of the crowns, not only all this went to decay, but our money was spent in England and not among ourselves; the furniture of our houses and the best of our clothes and equipages were bought at London; and, though particular persons of the Scots nation had many great and profitable places at court, to the high displeasure of the English, yet that was no advantage to our country, which was totally neglected, like a farm managed by servants, and not under the eye of the master." †

Fletcher's contemporary, Seton, allocates the blame more judiciously. Like Fletcher, he laments the adverse

* Compare Lindesay's *Interest of Scotland Considered* (p. 197), which ascribes the decline of the Fife burghs to the slaughter of many of the burgesses during the civil wars.

† Fletcher's *Political Works*, p. 386.

influence of the regal union, but he censures the want of enterprise which had neglected to foster an adequate export trade with France, in return for the large import of French wines and other luxuries. "Scotland at present," he remarks, "ought to be considered as a man that hath spent most of his estate on trifles and idleness, and that hath no other means left him but pinch and good conduct for the future."* Scotsmen should learn to furnish themselves with many of the articles imported from England and the continent. The agricultural depression he ascribes largely to the frequent sale of estates, and the fact that the seller found it his interest to rack-rent the tenant in order to raise the price. The result of this miserable practice was to reduce the oppressed farmer, who could find no redress in the baron courts, in which his oppressor was both judge and defendant, to bankruptcy and beggary. Instead of indulging in fruitless recrimination of English tyranny, he exhorted his countrymen to send less mercenary and factious men to represent them in Parliament, and to establish a Council of Trade to revive and regulate commerce. He denounced the misappropriation of public money in bribery of members and personal aggrandisement, instead of for the public benefit. But to Seton, also, the union of the crowns has proved an obstacle to the progress of the country, and must either be mended or ended. Instead of contributing to the strength and prosperity of the two nations, it has only produced jealousies and animosities between them. If England will not yield the commercial advantages of a closer union, Scotland must henceforth consult its own interest. Scotland, he contends, by developing its own resources, can make itself independent of the English connection. One thing the Scots can endure no longer, and that is, to be made the mere tools of English aggrandisement. "Ever since our king's accession to the crown of England, the English have always used the

* *Essays upon the Present State of Scotland* (1700), p. 77.

Scots as the ape did the cat's clutch, to pull the chestnut out of the fire." *

The distress arising from a declining commerce was aggravated in the last decade of the century by several terrible years of dearth. A series of bad harvests reduced tens of thousands to destitution, and led Parliament to pass various measures for their alleviation. One Act, for example, passed in the Session of 1696, offered a premium of twenty shillings per boll of victual imported.† Many families emigrated to the north of Ireland, to lay the foundation, by their thrift and energy, of the prosperity of modern Ulster. Many thousands more were turned into beggars, and subsisted on what they could steal or exact. According to the computation of Fletcher, the number of these demoralised vagrants rose as high as 200,000. As he estimates the population at a million and a half, a seventh of the whole must have been wandering about in idleness and misery. He puts the number, in ordinary circumstances, at 100,000. Their code of morals was hardly elevated above that of savages. They kept many of the country districts in a seethe of terror by their thievish proclivities and their demoralised mode of life.‡ That a fifteenth of the inhabitants of a country should ordinarily live as lawless vagrants is a terrible commentary on the economic evils of the times. Fletcher could think of no other remedy for this frightful demoralisation than the introduction of servile laws, on the patriarchal model. No more startling evidence could be adduced of the fact that the life of the nation had been corroded by the canker of misgovernment.§ The records of the small burghs prove that the national destitution was not exaggerated. In the year 1692, the royal burghs agreed

* *Essays*, p. 112.

† *Acts of the Parliament of Scotland*, X., p. 64.

‡ *Second Discourse on the Affairs of Scotland: Works*, 144-146.

§ Parliament passed a significant Act, during the Session of 1696, authorising a Commission to take measures "for the more effectuall employing the poor and freeing the country of vagabonds and idle beggars," *Acts of Parliament*, X., p. 64.

to communicate their exclusive privileges of trade to those of Barony, on condition of their undertaking to bear a tenth part of the taxation leviable on the former. The Scottish Parliament accepted the offer, and appointed a Commission to adjust the terms of the communication. The Commission was overwhelmed with petitions pleading poverty, and praying for exemption. Those petitions were eloquent of depression and destitution. The inhabitants of Bo'ness, for example, lament that the number of ships belonging to even so considerable a seaport was greatly reduced, and half of them are owned by Hollanders and other foreigners. Decline of trade and famine have burdened the burgh with the support of 100 families. Kelso submits that its former thriving trade has almost died out. From Prestonpans and Tranent come the same doleful story of declining trade and depopulation. (The ruined walls of houses, once occupied by prosperous traders, attest the change from former opulence to squalid want.) The same evils furnish other places with specious reasons for considerate dealing at the hands of the commissioners; and some are in the unenviable position to plead the further plea that many of their ships have become the prizes of French privateers during the war.*

Parliament, freed by the Revolution from the pressure of religious and political dissension, devoted itself to the task of providing a remedy for this financial and industrial decline. The union overture was the outcome of a conviction that the remedy lay in a radical readjustment of the terms of partnership with England. That remedy being denied for the present, the Scottish Legislature endeavoured to make the best of a bad bargain by passing a number of Acts for the encouragement of home and foreign trade. Commercial co-operation being refused, and refused in apparently contemptuous fashion, the only course was to try competition. If the Scottish Parliament could not change the terms of the union by passing an Act to

* Acts of Commission of Parliament for settling the Communication of Trade, *Acts of Parliament*, X., App., 107-148, 1699-1700.

appoint a Commission to treat, which the English Parliament did not so much as condescend to notice, it possessed power to legislate in the interest of Scottish commerce, independent of English sanction. It could pass Acts to authorise Scottish merchants to compete with those of England in the colonial and continental markets; and it passed them. On the 14th June, 1693, it gave its sanction to "an Act for the encouragement of foreign trade," whose provisions savour of retaliation against the purse-proud and supercilious Assembly at Westminster. It conferred full privileges on merchants associating for purposes of commerce with the Indies and the Mediterranean. In fact, if not in word, it pointed out to poverty-stricken Scotland the way of competition with England, as part of the solution of the economic problem. If mutual prohibition was to be maintained, in spite of friendly overtures for its abolition, the Scottish Parliament was entitled to use its powers as if England were a foreign country. To all intents and purposes the English Legislature had regarded the Scots as aliens, the regal union notwithstanding. Accident had given both countries the same monarch; ill-will and the restrictive policy of the age kept them as far asunder as if a scion of the House of Orange ruled in England, and a Stuart continued to occupy the throne of Scotland. The other part of the solution they sought in legislation fitted to stimulate the industries of the country. To this end they added to the statute book sundry enactments tending to encourage the fisheries and manufactures. A premium was offered on every barrel of fish exported, and the import of foreign cloth, silks, etc., prohibited for a specified time.

In this mood of hopeful improvement by Parliamentary initiation, the Scottish Legislature was easily accessible to the adventurous projector. The genius of speculation was in the air; and what man fitter to press it into the service of some grand scheme than William Paterson? * Paterson

* For an account of Paterson see *William Paterson, the Merchant Statesman and Founder of the Bank of England*, by S. Bannister, M.A.; and *The Writings of William Paterson*, 2 vols., edited by the same author.

had placed to his credit some score years of strange adventure, culminating in good fortune, and had all the confidence in his destiny begotten of hard and successful fighting with vicissitude. Born about the middle of the century in Dumfriesshire, and inured to the hard blows of the persecuting times, which had probably driven him across the border, he had, with the enterprising spirit of his race, wooed fortune in a variety of capacities. From a clerk in some London merchant's office he became a trader, or, if his enemies tell the truth, which they most probably do not, a missionary, or, still more uncharitable, a buccaneer in the West Indies. The future man of great schemes is represented by his cynic detractors as fawning at the knees of pious ladies, in the evangelical fervour of his youth, for missionary purposes.* It is possible to imagine even a very shrewd and strong-minded Scot passing through this phase of mental development on his road to great commercial schemes; but we are probably safe, in our effort to differentiate fact from fiction, in descrying, through this story, the figure of a man of high religious sentiment and philanthropic type, seeking to earn position and independence in the pursuit of an adventurous object. Certain it is that William Paterson's sojourn in the West Indies had made him acquainted with the geography, and, more important, with the possibilities of a new world. He had not visited the Isthmus of Panama, but he had interchanged reflections with buccaneer and honest merchantman alike. Henceforth his imagination is filled with visions of the gold mines and the vast commercial benefits to be unlocked by Darien, "the key of the world"; of a free settlement on the narrow streak of rock and swamp that unites two vast continents, and may become the centre of trade between Europe and Asia. With these

* See a pamphlet entitled *A Defence of the Scots abdicating Darien, including an Answer to the Defence of the Scots Settlement there*, by a Government Scribbler of the name of Hodges. It is a scurrilous libel of the life of a good man.

visions stirring the energies of a powerful constructive mind, William Paterson returned to London to continue, amid the turmoil of a City life, the speculations of his exile, and to make for himself, as a West Indian trader, a respectable fortune, and a name for probity and business capacity among City men. The more immediate outcome of the energy of that speculative brain was the foundation of the Bank of England in 1695. The maximum share of the merit of conceiving and carrying out the idea of this great national institution, which belongs to Paterson, constitutes his best title to enduring remembrance. The man who could conceive and achieve such a revolution in finance was assuredly no crackbrained and petty speculator, to be ridiculed by the ink of detracting scribblers or superior historians.* The moment the bank was established on the basis of a limited currency, which obliged it to pay on demand its notes in gold, Paterson's claim on history is indisputable.

While formulating the financial axioms on which the bank was to rest, the visions of Panama and its golden possibilities continued to fascinate him. Nothing less than a revolution of the world's commerce, nothing less than the inauguration of universal free trade on the spot most fitted to be its cradle, is the vast idea that retains its hold upon his creative mind. He turns in various directions to woo suffrages for its initiation. Rebutted by an English secretary of state, who curls his lip at the bold thoughts of a mere dabbler in petty invoices, he turns to the phlegmatic millionaires of Amsterdam. He argues the point in the coffee houses, but fails to gain a single convert. He next appeals to the great Elector, and holds out the prospect of boundless wealth to the master of a few thousand square miles of sandy country in the north of Germany. Elector Frederick William is too seriously engaged in the more sober scheme of aggrandising Brandenburg, to run

* Macaulay (*History of England*, Vol. V.) is somewhat scant in his recognition of Paterson's merit.

the risk of acquiring immortal glory in an unheard-of corner of Spanish America. Finally, the man of vast schemes bethinks himself of his native land, "the poor despised kingdome" of his early trials, and proceeds to Edinburgh on his commercial mission. For once a prophet has honour in his own country. The London merchant becomes a prince among his own people, is fêted and courted as the dispenser of fortune's sorely needed gifts. The Parliament listens to his scheme, proclaims it the salvation of the land, and forthwith passes the memorable "Act for a company trading to Africa and the Indies".

The ample powers conferred on it reveal the far-reaching spirit of the enterprise. The company was rather an imperial corporation, than a trading association, under the control of Parliament. It was authorised to found settlements for trade and colonisation in any part of Asia, Africa, and America, which had not been occupied by any European power, and which, if inhabited, the natives were willing to surrender. It might build or purchase vessels and fit them out as ships of war, to repel attack or make reprisals against all aggressors. It might enter into alliances with other colonising corporations in the three continents, and might seize and confiscate the ships of all "interlopers". The ships, merchandise, and other effects were declared free of all manner of prohibition, and all duties, for the space of twenty-one years. Care was taken that Scotland should reap a due share of the expected golden harvest by the provision that half the capital of £600,000 must be held by Scots residing in their own country. The other half might be subscribed by Englishmen, if Englishmen were found willing to invest in the enterprise. There was no small novelty in the circumstance of a poverty-stricken nation holding out the prospect of boundless riches, in exchange for the spare cash of the opulent London merchants. Englishmen with their lucrative trading corporations and their established colonies might well have smiled at the generosity of the offer, if they had not seen in the scheme

no end of dangers to English enterprise. Many a City potentate, indeed, welcomed it as a means of legitimate activity which was denied him by the policy of jealous monopoly, pursued by the English East India and African Companies. There was no impediment in law to prevent English participation in Scottish colonial enterprise; for the subjects of each country were naturalised in the other, and could hold stock in either. English self-interest, backed by English opulence, came to the rescue of Scottish impecuniosity. The men of capital, outside the circle of company monopoly, rushed to take that tide at the flow, which was believed to lead on to fortune. Ten English directors were appointed in addition to ten Scottish, and in the month of October, 1695, when the books were opened in London, the shares were rapidly subscribed.

In the midst of this promising *débût*, Paterson and his associates had overlooked the possibility of English opposition. The merchant princes of the English companies looked with alarm and hostility on these bold proceedings, which seemed to involve a challenge of their privileged supremacy. A long season of bad trade tended to render them doubly susceptible to the menace of competition. They succeeded in communicating their alarm and their hostility to Parliament. On the 14th December the House of Lords sent to the Commons an address to the King, protesting against the action of the Scottish Parliament. The Commons concurred with alacrity, and both Houses waited on his majesty for the purpose of representing the prejudices and mischief which the Act of the Scottish Legislature would bring on the trade of England. The advantages granted to the Scottish company would, they contended, have the effect of carrying the English East India trade to Scottish harbours. Scotland would become a free port for Indian commodities, and would undersell England on the continent. Smuggling across the border would become inevitable, to the great loss of the English trade and revenue. The American

trade would likewise pass into the hands of Scottish free-traders, with overwhelming loss to English manufacturers and English planters. Moreover, the clause in the company's charter which obliged his majesty to exact reparation for any damage done to its ships, would engage the king of England to use the English navy to protect the operations of a corporation, whose privileges were destructive of English trade. William is reported to have made a reply, which was ill calculated to reanimate his waning popularity in Scotland. He publicly repudiated the action of his Scottish ministers, and the Scottish Legislature. "I have been ill served in Scotland," said he; "but I hope some remedies may be found to prevent the inconveniences which may arise from this Act."

A change of ministers in Scotland was the first fruit of these significant words. The Commons did not wait for remedial measures at the hands of the king. They seized hold of the fact that the directors of a Scottish company had had the presumption to exact an oath of fidelity from English subjects in England, under colour of a Scottish Act of Parliament, and decreed that these persons were guilty of a high crime and misdemeanour. They even took upon themselves to impeach the whole of the directors, English and Scottish alike, and ordered the secretary of the company, Roderick MacKenzie, into custody for endeavouring to suppress the evidence against them. To save themselves from the consequences of this decree, the English directors hastened to withdraw, and the English subscribers to cancel their engagements.*

The attitude of the English Parliament is the expression of the narrow commercial dogma of the day. Though not very creditable to human nature, the protest against the Scottish company is explicable from the standpoint of the votaries of prohibition and monopoly. The men who resented competition at home, in the trade with India, were

* *Parliamentary History*, Vol. V., 975-977.

not likely to look with indifference or benignity on competition emanating from Scotland. The suggestion to open subscriptions in London was equivalent to throwing down the gauntlet in the very citadel of English monopoly. The author of that suggestion was probably Paterson; and it is evident that, under the influence of an enthusiasm, that neglected from the very commencement to weigh dispassionately all the difficulties in the path to success, Paterson's foresight and practical sagacity forsook him. A man, with his experience of London, ought to have foreseen the opposition of English monopoly, which had strenuously thwarted every attempt at competition in England itself. While, however, the action of the English companies was explicable, that of the English Parliament was, to say the least, hasty and high-handed. To review and condemn, under the impulse of the hostility of a section of interested English rivals, a Scottish Act of Parliament, did not argue a very judicial frame of mind, and savoured of national animosity. The assumption that Englishmen might legitimately invest in a Scottish trading scheme, in which they were largely to benefit, which contained no hint of hostility to England, and was the outcome of a desire to retrieve, by Parliamentary initiation, the low fortunes of the country, was by no means an evidence of aggression against England. The error—if error there was—might have been pointed out, through the king, and redress requested in a forbearing spirit. The idea of using English men-of-war to protect the company's ships might seem preposterous enough; but the remedy was at hand. The obligation might simply have been refused. Instead of viewing the matter in a legislative spirit, the English Parliament worked itself into a passion, allowing itself to indulge in haughty language in reference to the Scottish Legislature, assuming all sorts of villainy on its part, and giving vent to its rage by a decree of impeachment against several of its members. Anything more injudicious and exasperating, considering the circumstances of Scotland,

it would be difficult to imagine. Scotland had asked, in a most conciliatory spirit, for a readjustment of the terms of union, fitted to regenerate its declining condition. The English Parliament had refused even to notice the proposal; and now it falls into a paroxysm of rage, and Westminster Hall resounds with a howl of terror at the idea of competition on the part of Scotland! Scotland will absorb the earnings of London nabobs, and therefore Scotland must be snubbed forthwith for daring to harbour such an enormity. Whether the operation of Scottish enterprise would have done so, or even contemplated doing so, or had not been provoked to attempt it by the English Parliament itself, are questions which it never occurs to these legislators to ask. Only, let them not complain, if they find in the near future the walls of Parliament House re-echoing no less regrettable denunciations of English domination and selfishness, and acts of security, and other hostile legislation, starting forth to compel them to accept the alternative of separation, or co-operation.

Baulked in England, the Scottish directors set to work to launch their project by their own independent efforts. The amount of capital to be raised in Scotland was increased to £400,000. From the 26th February to the 3rd August, 1696, the whole amount was taken up. The list of the subscribers* reveals the fact that the scheme had become a national undertaking. The highest amount of stock appropriable by one individual was £3000: this sum stands against the names of the duchess of Hamilton, the duke of Queensberry, lord Belhaven, Mr. Stewart of Grantully, the Corporations of Edinburgh, of Glasgow, and the Royal Burghs. Among the subscribers of £2000 were lady Margaret Hope, the lord provost of Edinburgh, the Faculty of Advocates, the town council of Perth, the countess of Wemyss, the earl of Leven,

* *The Darien Papers, being a selection of original letters and official documents relating to the establishment of a colony at Darien*, edited for the Bannatyne Club, by John Hill Burton. App., pp. 371-416.

and Mr. Robert Blackwood. The earl of Argyle and lord Jedburgh each subscribed £1500. The subscribers of £1000 were more numerous, but by far the largest number of shareholders, besides a large proportion of the landed gentry and the judges of the Court of Session, were merchants, lawyers, physicians, retail dealers, and tradesmen, whose subscriptions ranged from £500 to £100. This general response, which, in many cases, must have represented the bulk of hardly earned savings, reveals the implicit faith of the nation both in itself and in the man whom it hailed as a deliverer. Instead of being warned off by the hostile attitude of England, the episode of the failure of the English subscriptions seems only to have increased the rush of patriotic subscribers. On the strength of this hearty support at home, the directors turned to the wealthy mercantile towns of the continent for the remaining £200,000, required to complete the authorised capital. In Holland the jealousy of the Dutch East India Company sufficed to discredit the undertaking, and kept back the flow of gulden. The merchants of Hamburg showed a more responsive disposition, but their enterprise was suddenly checked by the opposition of the English resident, Sir Peter Rycaut. This official informed the Senate that the scheme, which they were asked to support, was unauthorised by his master, adding the significant threat that King William would resent their participation as an affront. The Senate made a spirited reply to the effect that they were not amenable to the interference of his Britannic majesty, especially in view of the fact that the Scottish Company had been established by an Act of Parliament, to which he had given his sanction. The Hamburg merchants treated this attempt at intimidation as it merited. They continued to negotiate, and even to subscribe; but showed their prudence by conditioning their support with the stipulation that the negotiations of the company's agents abroad should be sanctioned by the king.

It had been well if the directors had displayed a similar caution. Their duty to the nation, at this juncture, evidently was to assure themselves that no further obstacle would be placed in their path, by the sovereign and his English advisers. To abandon privileges conferred by Parliament would have been pusillanimous. Scottish pride and Scottish resentment could not be expected to consent to such an ignominious surrender. But the dogged opposition of England might have taught them the precaution to clear up all doubtful points, and to test the practicableness of whatever schemes were in contemplation, in view of further possible conflicts. Unfortunately, they did not stop at this critical juncture, to ask whether the idea of founding a free-trade colony in the heart of Spanish America was a reasonable venture. They even neglected to consider whether it was possible to derive an adequate return for the expenditure of almost the whole available capital of the nation in a mere experiment in economics, which rested on the faith and enthusiasm of one man, and which proved to be at least premature, if not entirely visionary. They remonstrated, indeed, and petitioned, but only succeeded in extracting vague answers from the wary king. The sequel only too tragically demonstrated that they assumed too much. Both the company and the nation were destined, at no distant date, to rue the thoughtlessness, the infatuation of their leaders.

The directors, oblivious of coming disaster, laboured, during the years 1696 and 1697, to launch the great project of a free colony. Their scheme of operations did not err on the side of modesty. It embraced the greater part of the habitable globe. They purposed to unfurl the flag of a Scottish mercantile marine amid the icebergs of the Arctic Ocean, and under the burning latitudes of Africa, Asia, and America. Their scanty capital should furnish cargoes for the Gold Coast of Africa, Archangel, and the distant Southern seas. Their trusty mentor was the inde-

fatigable Paterson, who produced a prolific crop of memoirs and maps for their guidance. Under date, 23rd July, 1696, the minutes of the Committee of Foreign Trade contain the significant resolution "that a settlement or settlements be made with all convenient speed upon some island, river, or place in Africa or the Indies, or both, for establishing and promoting the trade and navigation of this company".*

They began their tragic career by purchasing vessels at Hamburg and Amsterdam, for the transport of the products, which their collectors at home and abroad were busy amassing, and for the defence of the vast commerce, of which they were, at the same time, to be the bearers. Provisions and articles of trade were purchased and collected in the great warehouse opened in Mills Square, Edinburgh. These included a vast variety of objects, embracing flour, salt beef, brandy and wines, butter and cheese, arms and ammunition, agricultural implements, and tradesmen's tools, and such small but indispensable articles as periwigs, tobacco pipes, horn spoons, candlesticks, combs, buttons, and kid gloves!† In the midst of this prosaic activity, they grappled with the grander task of constructing the forms of government, which were to regulate their grand colonial empire. The lands which were to own their sway were still situated in the region of the unknown, or were carefully kept secret. All the same, the principles of government and trade, under the auspices of Scottish enterprise, were formulated in detail in the mysterious conclaves in Mills Square. A council was appointed to rule the prospective colony, which was to be divided into districts, represented in a colonial Parliament. Full freedom of trade to and from the colony was granted to all nations, and foreign settlers were to enjoy equal privileges with those sent out by the company. The company reserved to itself the twentieth part of the land,

* *Darien Papers*, p. 20. † *Ibid.*, pp. 34-44.

and a like quota of all precious metals and minerals. All goods exported or imported in Scottish ships were to pay a duty of two per cent. On those carried in other vessels a duty of three per cent. was leviable, except cargoes from America, which were only charged one per cent. The council was directed to take possession in the company's name, as holding of the crown of Scotland. A sum of £7000 was annually to be paid by the colony for the use of the company's ships, stores, etc.*

On the 26th July, 1698, a fleet of four vessels—the *Caledonia*, *St. Andrew*, *Unicorn*, and *Dolphin Snow*, with over 1200 souls on board, set sail from Leith Roads, amid the tears, prayers, and cheers of the vast crowd that lined the shore. They were directed to proceed, in the first instance, to Madeira. Among the emigrants were many young men of good family, in search of fortune in the distant settlement. We should expect to find Paterson leading the expedition. Strangely enough, the man whose word had been law in the council of the directors these three years past, has already retired into comparative insignificance. He accompanied the expedition, but he was not even at first nominated a member of council. A large sum of money, with which he had been entrusted to negotiate supplies with Dutch and other foreign merchants, had been lost by the dishonesty of an English agent. Though Paterson was cleared of all culpability, except that of a too ready credulity, the loss appears to have eclipsed his influence for a time. When, before leaving, he ventured to suggest an examination of the provisions on board the fleet, he was curtly told by Captain Pinkerton, of the *St. Andrew*, that he knew his own business best. The fact that the great projector was thus ignored, and the responsibility devolved on men, whose subsequent proceedings proclaimed them to be opinionative, quarrelsome, and impracticable, seems already ominous of dissension and disaster.

* *Darien Papers*, pp. 49-57.

Paterson, at least, had had experience of colonial life, and his reputation was too deeply involved in the scheme not to have brought into beneficial play the authority, which his position as the controlling genius of the enterprise would have enabled him to exercise. Unhappily, he was entirely ignored at the start, and was subsequently thwarted in all his efforts to command success by prudent management. Such treatment was almost a guarantee of failure. As yet, however, as the sails are opened to the wind, and the four vessels bear their emigrant contingents out of the sound of the cheers and heartfelt invocations of the vast multitude on shore, the vision, not of disaster, but of golden abundance, beckons them, with its illusory fascination, onwards to a terrible doom.

Arrived at Madeira in the beginning of September, their instructions directed them to make for Crab Island and the Gulf of Darien. They reached the island in the beginning of October. Finding it claimed by the Danes, they relinquished possession and steered for Golden Island. On the 4th November they cast anchor in a fine natural harbour, four miles to the east of this isle. The narrow entrance made it suitable for defence, as well as a safe anchorage. A rocky promontory, running into the land on the left side, suggested itself as a suitable site for a fortified town. On this rocky point, which they cut off from the mainland by a deep trench, they accordingly founded New Edinburgh, the capital of the prospective colony of New Caledonia.

The natives mistook them for a band of buccaneers, with whom those seas swarmed. One of their captains, named Andreas, came on board to palaver. His appearance presented a very different aspect from the fabled grandeur of King Panco Rosa, who was reputed to hold sway over the native empire of Panama. He was rigged out in an old hat, a loose red coat, a pair of white pants, and was minus shoes or stockings. He affected all the gravity of the Spaniard, but gave the strangers a very cordial welcome, in return for a broad gold galloo and some grog and toys.

The Scots assured him that they did not come as privateers, but for the purpose of planting a colony and opening up trade. Andreas and his fellow-chiefs were found willing to exchange the yoke of the Spaniard for the friendship of the Scots. They drank each other's healths in bumpers of brandy and "mirchlew," an Indian liquor, made of maize and potatoes. Some of them were found to be at war with the Spaniards, and reprisals were the order of the day. Their grievances were various, and some of them ludicrous. One in particular, Nicola, felt sore over the fate of a French fuzee, given him by a buccaneer, which, on being sent to Carthagena for repairs, had been kept by the governor, on the pretext that it was too good for a heathen. They were by no means shy; and the explanation of their communicativeness lay, as the Scots discovered, in the fact that they had been visited by several English and French projectors in search of new fields of enterprise. A Captain Long, the master of an English sloop, was at this very juncture cruising about the coast of Darien, and had taken possession of part of it in the name of King William.* Some weeks after the arrival of the Scots, a French and a Dutch ship cast anchor off Golden Island, and saluted the Scottish vessels. On setting sail some days later the Frenchman went on the rocks. The papers found on board revealed the fact that the French were scheming to obtain a footing on the isthmus and open up a trade with the South Seas by way of Conception River.†

The discovery of this competition for the possession of the coveted land of promise confirmed the Scots in the feeling of good fortune, which had forestalled their rivals. At first, things assumed a promising aspect. The country was beautiful and extremely fertile. Tropical trees and

* *Darien Papers*, p. 83. The Board of Trade, in a report on this field of colonial enterprise, not only pronounced it to be non-appropriated territory, but recommended its seizure by William in the interests of English commerce.

† *Darien Papers*, pp. 98-100.

fruits flourished in abundance. Rumours of gold mines, which the jealousy of the Spaniards had kept secret and had prohibited the Indians from working, excited the imagination. Treaties of friendship and protection were contracted with the Indian chiefs. A battery was erected and huts built on the promontory of New Edinburgh. Sloops arrived from Jamaica to exchange their cargoes of provisions for the European merchandise on board the Scottish ships. The favourable season at which the emigrants arrived preserved them in tolerable health for the first few months. Only fifteen persons had died during the voyage and up to Christmas.

This halcyon *débût* was ere long dimmed by disquieting reports of Spanish opposition. The Scottish settlement lay almost midway between the Spanish towns of Carthagena and Portobello, while Santa Maria lay to the west, on the shore of the Pacific. The governor of Carthagena claimed that the whole isthmus was subject to his jurisdiction. The council took the precaution of assuring him and his colleagues of their "good and peaceable intentions," and professed its willingness to open friendly relations with them. The only response to these overtures was the advance of a Spanish force across the isthmus to wipe out the presumptuous Scots. The attack was anticipated, and the Spaniards put to the rout by a band of plucky emigrants, in the beginning of February, 1699. Provisions began to run scarce—the tropical products of the colony were not sufficient to satiate the appetite of a hungry Scots stomach, even if they had agreed with it. The council, torn by faction from the outset, had foolishly let slip several opportunities of obtaining supplies from passing sloops, on the ground of exorbitant prices. It became necessary to send the *Dolphin* to Barbadoes, to barter part of her cargo for provisions. Unfortunately, the vessel ran on the rocks at Carthagena. The governor treated the shipwrecked crew as privateers, threw them into a loathsome prison, seized the ship and cargo, and compelled the un-

fortunate men to perform convict labour. The council protested, and sent an envoy with a flag of truce to demand the release of the crew and the restoration of the ship. It based its claim on a Scottish Act of Parliament and letters patent, under the Great Seal of Scotland, and threatened reprisals in case of refusal. The governor, unabashed by this flourish of documentary rights, tore the letter to shreds, cursing the Scots the while as rogues and pirates, and placed the hapless envoy in irons. Captain Pinkerton and his officers were sent to Seville to be tried as pirates taken in his Spanish majesty's dominions, while the crew were pressed into the service of the Spanish men-of-war in the Indies. The council complained to lords Seafield and Carmichael, secretaries of state for Scotland, and chartered Captain Elkington's sloop to make prizes of Spanish traders. In their rage, the council seized and confiscated a Jamaica sloop, commanded by an Englishman, on the pretext that she was a Spanish coaster.

The worst enemies of the Scots, however, were not the Spaniards. The dissensions in the council, their pitiable misgovernment, the deadly fevers of the rainy season, the remissness of the directors in maintaining communication and in sending out provisions with the necessary promptitude, are collectively responsible for the catastrophe that extinguished all the soaring hopes of the emigrants in terrible suffering and loss of life. The scheme of government, excogitated by the directors, reveals the lamentable crudeness of their constructive statesmanship. The honourable councillors, without a head and entirely wanting in the spirit of cohesion, proved to be so many units of division and confusion. Faction and cabal rendered abortive the efforts of Paterson, who had become a member of council, to induce unanimity and make the best of adverse circumstances. The rules and ordinances promulgated for the government of the settlement by a parliament, convened for the purpose, were unexceptionable. The precepts of the Scriptures were accepted as the standard of moral obligation,

and mingled with regulations visiting with severe penalties all attempts at insubordination, treason, murder, violation, ill-treatment of natives, etc. But the councillors displayed a lamentable inability to apply the scriptural injunctions to themselves. Their contentions, resentments, and cabals made the work of government impossible. Each took his turn of the presidency for a week at a time, only to cavil at, or undo the work of his predecessor. Paterson's constructive genius was sorely exercised by an administration, which did nothing but foment anarchy. The deadly vapours exhaled by the luxuriant swamps, adjoining the camp, brought sickness and death. Each day of May and June added its quota to the sick and the dead. Discontent begat the spirit of mutiny, which found expression in a plot to sail away with one of the ships. Provisions ran short. A sloop despatched to Jamaica and New York for supplies returned, after vainly beating about for a month against adverse winds. A second attempt was made, but in the meantime came the disastrous news that proclamations had been issued by the governors of all the English colonies, debarring his majesty's subjects from sending supplies to, or holding any manner of communication with the unfortunate Scots.*

This was the death-blow to the hopes of the colonists, whose ranks were being thinned by the relentless scourge of fever and privation. The only alternatives seemed to be death, or desertion. Paterson exhausted the force of argument to keep his colleagues, some of whom had

* The proclamation issued by Sir William Beeston, governor of Jamaica, enjoined his majesty's subjects not "to presume, on any pretence whatever, to hold any correspondence with the said Scots, nor to give them any assistance of arms, ammunition, provisions, or any other necessaries whatsoever, either by themselves or any other for them, or by any of their vessels, or of the English nation, as they will answer the contempt of his majesty's command to the contrary at their utmost peril" (*Darien Papers*, p. 303). Beeston was especially obnoxious to the Scots on the additional ground of having, according to common report, congratulated the governor of Carthagena on the failure of the expedition.

already abandoned the settlement, from adopting the latter. He argued in vain. Disabled by fever and outvoted by the majority of the council, he was reluctantly compelled to acquiesce in an expedient, which only himself and Captain Drummond opposed. Only the energy of the latter saved the guns of the fortress from being left behind in the general haste to escape from the lugubrious scene of pestilence, starvation and death. Protesting and entreating, Paterson was carried on board the *Unicorn;* and on the 19th June the remnant of the colonists set sail for whatever port might afford them shelter. It was a voyage of horrors. Stormy weather separated the vessels, and all but disabled the *Unicorn*. The *Caledonia* narrowly escaped capture in the Bay of Mattances, where she anchored in expectation of assistance. The guns of a Spanish battery thundered forth the wrath of the Spaniards against the hapless Scots, and drove them adrift on their voyage of death. She and her companions had to run the gauntlet of the Barlivento fleet, and escaped as by a miracle. The *St. Andrew*, with busy death reaping his daily harvest of victims, reached the shelter of Jamaican waters, only to discover that relief was denied his fellow-subjects of Scotland by the governor of an English colony. The *Unicorn* and the *Caledonia* at length reached New York in the beginning of August, with more than half their living freight already consigned to the bottom of the Atlantic, as the results of fever and dysentery. Paterson was still alive when the *Unicorn* arrived at Sandy Hook, but his mind broke down for the time under the fearful strain of the previous six months. From New York he took passage to Scotland in the *Caledonia*, while Captain Drummond returned with a cargo of provisions to attempt a resettlement, with the aid of a second fleet, which, he learned, was on its way to Darien.

Paterson reached Edinburgh in the end of November, somewhat recovered in mind, though still shattered in body. He wrote an account of the settlement and aban-

donment of the colony, which was, at the same time, an apology for his own conduct. He still professed to believe in the vast possibilities of Darien, and in the ultimate salubrity of its climate. He used his influence in encouraging the directors in the prosecution of the undertaking, but strove to moderate the fierce criticism to which the Government was subjected. For this service Queensberry gratefully and compassionately presented him with £100. In all his dealings, his integrity and unselfishness drew forth the admiration of even his enemies.* We may, therefore, allow him the credit of honesty in penning the noble words in which he vindicated his elevation of purpose. "In all my troubles," wrote he to his friend Drummond, on the 6th February, 1700, "it's no small satisfaction to have lived to give the company and the world unquestionable proof that I have not had any sinister nor selfish designs in promoting this work, and that unfeigned integrity has been at the bottom of this. How and what I have suffered in the prosecution thereof, God only knows; and God Almighty lay it no further to their charge who have been the cause. I have always prayed for this; but must needs confess, could never, since my unkind usage, find the freedome of spirit I doe now; and I must needs say that my concerne of spirit is such, that I could not only joyne with those who have done me prejudises, although it had been willingly, but even the greatest enemys I am capable of having, to save my country and secure the company."†

At the time that the shadow of disaster was beginning to darken over the infant colony, all Scotland was rejoicing at the news of its auspicious settlement. Bonfires, illuminations, ringing of bells and public thanksgivings, testified to the national elation. The directors, somewhat tardily, in view of the necessities of the case, commissioned a second squadron of two vessels in May, 1699, to carry provisions and 300 additional men to the land of promise. They had

* See *Carstares Papers*, p. 584. † *Darien Papers*, p. 259.

received hints of incipient friction in the council, and wrote to beware of men "of a chattering, mutinous, and pernicious temper".* The news of Pinkerton's capture, and the hostility of the Spaniards, which arrived some weeks later, somewhat depressed their spirits, but they were confident that the English Government would speedily discover its interest to protect the settlement. In August, a third squadron of four vessels, carrying thirteen hundred men and a large assortment of military stores, was got ready on the Clyde. Its departure was delayed for over a month by contrary winds; and during these weeks of inaction disquieting rumours were whispered about of the disastrous fate of their predecessors. These were discredited by the optimistic directors as the malicious stories of dastardly English critics. The fleet had hardly sailed when letters from New York transformed their optimism into depressing credence. The expedition had failed, failed tragically, and the horrors of the failure were almost past belief. Dismay at the melancholy tidings was mingled with anger at the pusillanimity of the deserters. The directors, oblivious of their own remissness, wrote a furious letter to the ex-councillors at New York, inveighing against their shameful and dishonourable abandonment, and ordering them to return and not incur the odium of being betrayers of their country. They despatched Captain Campbell of Fonab, in a fast vessel, to enjoin the commanders of the second squadron to retake possession, or, if advisable, to wait for the arrival of the third. What mortal could do to retrieve the disaster was attempted. More ships were commissioned and letters of credit sent to New York for the purchase of stores. With undaunted courage they strove to open new fields of enterprise, and despatched a vessel to trade on the Gold Coast of Africa, in the hope of filling their already sorely diminished coffers.

The disaster proved irretrievable, however. Adversity

* *Darien Papers*, pp. 165-67.

pursued the company's fleets with relentless consistency. One of the vessels of the second squadron was burned to the water's edge, after arrival in the harbour of New Caledonia, through the carelessness of a steward in dropping a lighted candle near a cask of brandy. The captain of the other ship, taking her crew and contingent of settlers on board, sailed away to Jamaica. The third squadron found, on its arrival, on the 20th November, 1699, in the melancholy spectacle of the ruined huts and dismantled fort of their predecessors, the dismal confirmation of the sinister rumour, which they had heard at Montserrat. Worse still, quarrels broke out between the new councillors and Captain Drummond, who had arrived in the sloop from New York. Intrigue and self-will hampered the efforts of Drummond to rehabilitate the settlement. The councillors refused to trust his assurances of credit at New York; and instead of despatching vessels thither for supplies, resolved, as the result of mutual bitter recriminations, to send all the emigrants above five hundred to Jamaica. Drummond was thrown into prison by Councillor Byres, who assumed the leadership. Byres played the tyrant with unsparing violence. One man was hanged on a charge of conspiring to seize the treasure and sail away with the ships. Yet, nothing of importance was done towards resettlement. The reports sent home betray the fact that the new settlers had lost heart from the beginning, and were only too eager to seize the first pretext for abandoning the enterprise. The soil was admitted to be marvellously fertile; but the rumours of gold mines were, according to Byres, fallacious. Not a particle of gold or silver was discovered among the natives, except a few nose jewels. The place might, with great expenditure of energy and money, be made a centre of commerce, but without negro labour failure was inevitable.* Byres, it appeared, was guilty of hindering the supply of provisions, in order to necessitate the realisation of his plan of dis-

* *Darien Papers*, pp. 209-217.

persing the members of the expedition among the neighbouring islands. Against the advice of Drummond, he sent away a Spanish pilot who had guided the third squadron to Caledonia, and who straightway sold his knowledge of the Scottish settlement to the admiral of a Spanish fleet, and even conducted it thither. The Spanish Government had resolved to crush all further efforts to dispute its claims to the isthmus. The news of their extensive preparations by sea and land found the council absorbed in the pastime of abusing each other, rather than in the task of preparing an adequate resistance. Byres continued to insist on sending away more than one-half of the colonists, on the pretext of want of provisions, and thus added treachery to the company to his arbitrary and inhuman treatment of the settlers. He justified his severity to the home authorities with the plea that "there never was so great a collection of rascals among so few men". After his departure in the beginning of February, 1700, something like unanimity and energy prevailed in the operations directed by the council to meet the pressing danger. Captain Campbell of Fonab, who had seen service in Flanders, was despatched into the interior with two hundred and sixty men to intercept the Spanish force, intended to attack the settlement by land. After a toilsome march of three days over a mountainous country, covered with forest and rank vegetation, Campbell swept down on the Pacific side of the isthmus, stormed the strong position of the enemy on the top of a steep hill, and routed them with considerable loss. All the camp baggage, with the papers and decorations of the commander, Don Michael de Gordoniez, rewarded the pluck of the victors. The casualties on the Scottish side were limited to nine killed and fourteen wounded, Campbell himself being among the latter. This success had the effect of staying the advance of fifteen hundred Spaniards, who were hastening to reinforce the vanguard. The tidings of this brilliant exploit threw a gleam of sunshine into the disconsolate camp at New Edinburgh. The

joy was shortlived. On the 23rd February, a few days after Campbell's triumphant return, eight Spanish vessels anchored off Golden Island. They were joined by three more on the 25th. The Scots kept the guns in readiness for the attack, and managed to send home an express, in which they declared their determination to give a good account of themselves. A few weeks of anxious watching, however, sufficed to exhaust their courage, and at the end of March their leaders resolved to capitulate, on being allowed to leave these inhospitable waters with their ships and baggage. *

Thus ended this unfortunate enterprise, which had combined the elements both of farce and tragedy, and which left the heritage of fierce animosity to exacerbate the relations of England and Scotland during the next decade of mutual strife and recrimination. For this sorry and tragic ending, the Scots were themselves largely to blame. The opposition of England, the hostility of Spain were no doubt contributory causes; but they might have been foreseen and provided against. This absence of foresight invited ruin on a project which seemed to English sympathisers, like Defoe, at best fanciful and impracticable. To avoid regions where the influence, or the neighbourhood, of either Spanish or English dominion, was likely to create rivalry, might have appeared the first law of prudence. Instead of avoiding friction with both, the company directly challenged it by pitching on a spot claimed by Spain, and lying in proximity to Jamaica and other English plantations, which feared the effect on their trade of the operations of this presumptuous rival. The colony was undoubtedly within the sphere of Spanish influence, though not a single Spaniard occupied any part of the territory, in which the Scots unfurled their flag. The colonists might with some reason plead that they had the best of all titles—a series of treaties with the natives, who

* *Darien Papers*, pp. 252-53.

disowned the yoke of the Spaniards, and seemed eager to court that of the new comers. They might, and did argue that it was open to them to reject the papal grant of these territories to Spain, and to question the right of the Pope to regard America as a fief of the Roman Catholic Church. But it was also open to the Spaniards to reply that they had taken *bona fide* possession of the isthmus, and that they were not disposed to recognise treaties with chiefs, whom they regarded as the subjects of the king of Spain. If they insisted on regarding the Scots as buccaneers, war was inevitable, and the folly of expecting to maintain, single-handed, a contest with Spain in these waters, proved itself by the disasters culminating in the capitulation to a Spanish fleet. Moreover, the attempt to cope with the opposition of Spain landed the Scots in the impossible plight of thwarting their own sovereign. William, both as a partisan, whose sympathy was all on the side of the English Parliament, and as a politician, with the balance of power to maintain, could not give the support necessary to make a Scoto-Spanish war successful. He had felt it his duty, from both considerations, to oppose the project from the outset. Unfortunately, the Scottish scheme started into European prominence at a time when England was suffering from a fit of bad trade, and when European diplomacy was anxiously engaged in discussing a great dynastic question. Charles of Spain, sinking into dotage and infantile superstition, had no heirs, and must ere long die. The question of the succession revolved round the crucial point whether the Spanish throne was to be occupied by a scion of the House of Bourbon, or the House of Habsburg. The aggrandisement of France made the question to William, whose main striving was to curb the ambition of Louis XIV., one of the first importance. He was busy negotiating the two partition treaties, which provided for the disintegration of the Spanish monarchy, with as little gain as possible to France. Any complication that threatened to interfere with the peace-

ful prosecution of this policy was certain to arouse his intense dislike. The attempted settlement at Darien, at such a juncture, seemed to a man engaged in courting Spain and curbing France, the most regrettable and the most fatal of undertakings. When the Spanish envoy to the Court of St. James energetically protested against the Scottish settlement, William's foreign policy demanded that he should hasten to give all the satisfaction possible. While his action in interfering to prevent the floating of the company in England, Holland, and Germany, was a piece of partisanship, and merits strong censure ; his action in refusing to recognise the title of the Scots to Caledonia, in preference to that Spain, and in directing the governors of English colonies to oppose it, is perfectly consistent with the demands of foreign policy. A single false step on his part might provoke an European war,—a prospect, he might reasonably assume, of more importance to both kingdoms, and to England in particular, than the fate of a few hundred Scottish settlers, with a suspicious resemblance to privateers.

With the news of disaster thickening around them, the Scots, incapable of rightly allocating censure, or confessing their own shortcomings,* poured forth the cup of their fury against the king. The Commission of Assembly decreed a fast for the sins of the nation. Though the nation put on sackcloth, its heart was full of fiercest passion. "When the news of the total abandoning of Darien was brought over," says Burnet, "it cannot be well expressed into how bad a temper this cast the body of that people. . . . The nation was raised into a sort of fury upon it . . . and the ferment in men's spirits was raised so high that few

* In the eye of public opinion, the failure of the colony was largely due to the action of the English governors in refusing to support it. "Le sieur Maclaine, un des chefs des Eccossois à Darien, m'a assuré en Hollande que le mauvais air de ce pays, ni les forces des Espagnols, n'avaient pas causé la ruine de cette entreprise, et que si la Jamaique et les autres îsles Anglaises n'avaient point refusé de leur fournir des vivres, ils se seroient maintenus à Darien."—*Hooke Correspondence*, I., pp. 1-20.

thought it would have been long curbed without breaking forth into great extremities." * The council-general of the company despatched lord Basil Hamilton with a strongly worded address to the king, in favour of the Scottish prisoners, under sentence of death at Seville.† William refused to see him, and the envoy returned to tell a tale of contemptuous treatment, which made the national wrath blaze ever fiercer. A second address, more influentially and numerously signed, was carried up to London by Tweeddale, as the expression of the national demand for a Session of Parliament. Two years had elapsed since the last Session, and enough had happened, in the interval, to render the state of the country the subject of anxious legislation. William, though a Parliamentary king, had no love of Parliaments, and received the marquess and his colleagues very coldly. "My lord," was his reply, "I suppose that you know that I have ordered the sitting of Parliament to be on the 15th May, and it cannot possibly meet sooner, and therefore I think you might have spared the trouble."‡ There was more fierce denunciation in Patrick Steel's tavern in the High Street of Edinburgh, where the patriots met to unbosom their grievances, and even to talk over plans of revolution. They will have an end of a union that seems to be incompatible with the interest of Scotland. If the king must needs favour England, in a case in which the interests of the respective countries are antagonistic, let him, cry the coffee-house debaters, cease to be king of Scotland.

The necessity of obtaining supply which had been

* *History of my own Times*, pp. 662-63.

† *Darien Papers*, p. 280. *Cf.* Athole MSS., Hist. Ms. Com., 12th Report, p. 59. Lord Basil writes to Tullibardine from London (4th Jan., 1700): "It's not to be expressed the melancholy condition I'm in; I'm touched to the very soul, and ashamed to be seen. We shall appear to be despicable to the world; it seems God Almighty sees it not time yet to deliver us from our misery, but to tryst us with affliction on the back of affliction."

‡ *Darien Papers*, p. 284.

granted in 1698, for two years only, at length forced the king to comply. The duke of Queensberry, the commissioner, with the earl of Marchmont, the chancellor, Sir James Stewart, the lord advocate, Secretary Seafield, and other officials and supporters of the Government, were sorely exercised between the desire to mediate on behalf of an unpopular king, and the task of moderating the demands of the people. There were anxious conclaves prior to the meeting of Parliament in May, 1700. Promises of place and pension were plentifully proffered in order to secure adherents. The opening of the Session, however, found the Government unequal to the task of filching supply from the fierce orators, who assembled to give full rein to their passion. The chancellor read a letter professing concern at the losses and misfortunes of the company, and recommending the Parliament to encourage manufactures as the surest means of developing foreign trade. Queensberry noted the scowls that crossed many a brow at this shuffling with outraged convictions. He took fright at a motion, on the strength of a number of petitions from shires and burghs, to resolve that the colony of Caledonia was a legal and rightful settlement, and abruptly intervened to inform the House that he must consult his majesty,—excusing the brevity of his speech by the plea of a severe cold, and adjourning the Session for a month.*

The cry of despotic tactics not unreasonably greeted this manœuvre, and intensified the unpopularity of the Government. The Edinburgh mob took the opportunity of expressing its resentment in a drastic fashion, on the arrival, some weeks later, of the news of Campbell's victory over the Spaniards. It decreed the illumination of the city in celebration of the auspicious event. It intimated to the representatives of the Government that the refusal to participate would be visited with mob vengeance. "I was told, this day," wrote the lord advocate to Carstares, on

* *Acts of the Parliament of Scotland*, X., pp. 190-95.

the morning of the 20th June, "that if I had not my windows full of candles this night, there should not be a glass left in them."* The mob was as good as its word. Volley after volley of stones crashed against the windows of ministers and others who had not taken the precaution to mollify the populace. According to one estimate, as much as £5000 worth of glass was smashed. The houses of lords Carmichael and Seafield were the objects of specially violent demonstrations. That of the lord advocate was invaded, and a warrant extorted for the release of two prisoners, confined for acts of obtrusive hostility to the Government. While some of the ringleaders were rudely negotiating this tribute to mob justice, others attacked the Tolbooth, broke open the doors, and set all its inmates at liberty. The interference of the magistrates and the town guard was resented by a flourish of drawn swords, and a bloody affray only prevented by the hasty retreat of the discreet vindicators of the law. For a few hours, the High Street was a pandemonium of lawlessness, until the duke of Queensberry, in consultation with the Town Council, succeeded in restoring order. A judicial inquiry subsequently resulted in the arrest and conviction of several of the ringleaders, who were sentenced to be publicly scourged and sent into banishment. The ceremony of scourging was carried out in the mildest fashion, under the eye of the vast crowd, which assembled to honour the prisoners with an ovation. The magistrates resented the clemency of their all too merciful hangman, and sent for his colleague of Haddington to repeat the operation more vigorously. This hapless functionary quailed in turn before the menaces of the crowd, and the solemn function took a ludicrous end in the flight of the obnoxious executioner, amid the jeers of his tormentors.†

Queensberry was at his wits' end to find an expedient to allay the national fury. Affrighted at the consequences

* *Carstares Papers*, p. 535.

† *Ibid.*, pp. 539-46; *cf.* 615.

of opening anew the floodgates of parliamentary oratory, he invented various pretexts for prolonging the adjournment of the Session. He and his colleagues earnestly implored the presence of the king, as the only remedy for the seditious outbursts of fury against the impotent tactics of the Government. Letter upon letter conveyed to London the most alarming reports of the symptoms of the popular ferment. "There is no more speaking to people here than to a man in a fever," is the lugubrious lament of earl Melville. "The devil is busy; God prevent the public danger," is one of the pithiest of many similar warnings. "Since you went from this," wrote an old veteran to Carstares, on 15th June, 1700, "things are grown rather worse than better; the ferment still continues, and new addresses are daily coming in from all parts of the country, to be presented to the Parliament when they sit. God help us, we are ripening for destruction. It looks very like Forty-one."* If the king will not come and give justice to Scotland, there is a danger lest Parliament resort to more forcible means than remonstrances with the commissioner and addresses to the king. Rumours are abroad of a meeting of the Estates at Perth to provide a remedy for the national grievances, in defiance of a recalcitrant monarch. Jacobite intrigues, quickened by the news of the death of the duke of Gloucester, are rife. The discontent of the army, which cannot be paid if supplies are not speedily granted, renders the situation doubly grave. To the anxious governor of Edinburgh Castle, the only alternatives are the resumption of the deliberations of Parliament, or the disbandment of the troops. In the event of the latter contingency, the horror of the situation overpowers his affrighted imagination. To depreciate the revenue, the exasperated patriots agree not to drink French wine and brandy, or wear any article not manufactured in Scotland.

* *Carstares Papers*, p. 527.

William, engrossed in preparations for a visit to Holland, had no liking for the proposal to face an angry nation, and turned a deaf ear to the urgent entreaties to journey down to rebellious Scotland. He left the commissioner to exercise his harassed brains over the question of how to maintain allegiance to his majesty in a country, evidently ripening for revolution. In despair, Queensberry had recourse to the arts of bribery. The doubtful adhesion of earl Marischall was bought for £300. In sending an account of the sums already devoted to this object, he adds the modest request for £1000, to be placed to his credit in the Bank of England, and drawn by him, as occasion requires. It was evidently deemed no abuse of public trust to spend the public money in buying votes; and the commissioner writes in hopeful terms of pressing into the service of the king the impecuniosity and the cupidity of a number of the opposition. The fact that the settlement in Darien was a lost concern, and an impossible venture for the future, afforded another argument in appealing to opponents. Furnished with such arguments, supported by promises of gold or office, the ministers divided the country into districts, and hurried hither and thither on the mission of manipulating the members in their homes. Argyle, Seafield, and others threw themselves into this crusade of bribery and argument. Their labours were so promising that Queensberry, driven by the pressure of the necessity of obtaining supply on some feasible pretext, ventured to convene Parliament once more on the 29th October, 1700.

William reiterated, through the commissioner, his good intentions towards his ancient kingdom, and promised his assent to all legislation for the improvement of trade and manufactures. He regretted his inability, "for invincible reasons," to assert the company's title to Caledonia. To have yielded the contention of the addresses presented to him, would have involved him in a second war, in the prosecution of which he must have stood alone against a formidable coalition. He added the profession of his

willingness to promote the interests of the company, and repair their losses, and hoped that "the state of the affair being now quite altered, you will rest satisfied with these reasons".* Queensberry added an earnest appeal not to obstruct, by old contentions, timely legislation in the interests both of the nation and the company. He discovered, however, that the House was in no mood to be seduced, by the conciliatory tone of the sovereign, from its determination to express its resentment at the outrage perpetrated, on both the Parliament and the company, by English and Spanish jealousy. It insisted on its right to examine and pass judgment on the whole affair, but agreed to give the preference, in the order of consideration, to legislation concerning trade. The months of November and December were accordingly devoted to the passing of a series of laws, intended to revive, by means of the prohibition of foreign produce, the national industry. These laws embraced Acts "discharging" or prohibiting the importation of English or Irish wool, the exportation of Scottish wool, and the import of French wine and liquors, and of silks, laces, damasks, and velvet.†

The discussion of these remedial measures was interrupted, on the 16th November, by a tempestuous reference to the burning theme of Caledonia, which served as an index of the fact that the House was eagerly on the watch for an opportunity to vindicate its patriotism. The promised debate would evidently not be allowed to escape. On that day, three pamphlets, containing an abusive onslaught on the national undertaking, and a scurrilous libel on the life of Paterson, were voted "blasphemous, scandalous, and calumnious," and ordered to be burned by the common hangman.‡ A reward of £6000 Scots was offered for the apprehension of the author of one of them,

* *Acts of Parliament*, X., pp. 201-2.
† *Ibid.*, pp. 222-42.
‡ *Ibid.*, p. 211.

a surgeon named Harris, who had accompanied the first expedition.*

At length on the 7th January, 1701, the explosion took place. On that day a motion was made "that the business of the African and Indian Company and Caledonia come in the next sederunt". The Government attempted to evade the demand by a counter motion in reference to the security of the kingdom; and a fervid and confused debate ensued. "Then the House went into great confusion," notes an eye-witness and chronicler, "and everybody almost spoke, and many spoke frequently, and the commissioner spoke several times." † Finally, "after a very long and hot debate," the champions of Caledonia carried the day. The petition of the African Company, and the numerous addresses in support of it, were read at the following sitting, in spite of a counter motion to proceed with the consideration of the prosaic subject of butter and cheese imported from Ireland. ‡ During the next five sittings several resolutions, expressive of the smarting sense of injustice, were hammered into form by the bellicose opposition, and combined in an address to the king, amid the noise and fiery coruscations of many a stalwart blow. The first, moved by lord Belhaven, in a long and pathetic speech, declared that the address of the Parliament of England, in December, 1695, against the company, and an address of the House of Lords in the preceding February, condemning the Scottish Company and approving the proclamations against it, "were an undue intermeddling in the affairs of this kingdom, and an invasion upon the sovereignty and independency of our king and Parliament". The language of the second, presented

* The titles of the pamphlets were, *A Defence of the Scots abdicating Darien, including an Answer to the Defence of the Scots Settlement there; A Vindication of the said former Pamphlet;* and *Caledonia, or the Pedlar turned Merchant.*

† Hume of Crossrig's *Diary*, p. 44.

‡ *Acts of Parliament*, X., p. 242; *cf.* Hume's *Diary*, p. 45.

by Haldane of Gleneagles, was still stronger. It bore, "that the memorial presented in his majesty's name, as king of Great Britain, to the Senate of Hamburgh, by Sir Peter Rycaut, then resident in that city, and Mr. Cresset, envoy extraordinary to the Court of Lunenburgh, was most unwarrantable, containing manifest falsehoods, and contrary to the law of nations, injurious to his majesty, an open encroachment upon the sovereignty of this crown and kingdom, the occasion of great losses and disappointments to the said company, and of most dangerous consequence to the trade of this nation in all time coming". A third, proposed by the marquess of Tweeddale, against the proclamations issued by the colonial governors, was no less resolute and decisive. They were declared to be injurious and prejudicial to the rights and liberties of the company; and their execution inhuman, barbarous, and contrary to international law. A fourth, moved by the duke of Hamilton, asserting that the colony of Caledonia was a legal and rightful settlement, also received the ultimate support of the House, after the expenditure of much hot contention as to its terms. These were carried unanimously; but a fifth, denouncing the advisers of the memorial and proclamations, as fomenters of jealousies and animosities between the two kingdoms, and, if Scotsmen, traitors to their king and country, was objected to as inconsistent with the judicial functions of the Scottish Parliament, and savouring of meddlesomeness in English affairs. Sir Francis Scot was ultimately persuaded to withdraw it. The sixth, presented by Baillie of Jerviswood, denouncing the action of the Spaniards in seizing the *Dolphin*, condemning its captain to death, and waging war on the Scottish colony, as a contravention of subsisting treaties between Great Britain and Spain, was also let fall, though its substance was subsequently inserted in the address. Finally came the question whether to embody the resolve declaring the company's legal right to Caledonia in an Act of Parliament, or merely to submit it to the king in

the form of an address. The discussion was the occasion of several stormy scenes. Several members were moved to the bar for their inability to control their temper. On the one hand, it was argued by the duke of Hamilton and others that an Act was absolutely necessary to secure the company against the possibility of future prosecution, on the ground of the Spanish charges of piracy and murder. "If I were to speak before the tribunal of Jesus Christ," cried the orator, "I would say, I believe an Act to be absolutely necessary."* The Spaniards had not only tried and condemned Captain Pinkerton, but had fulminated confiscation of life and property against himself, the marquess of Tweeddale, and the earl of Panmure. He read an account of the trial of Pinkerton at Seville, in justification of his contention. What, asked the other side, will a Scottish Act of Parliament avail in Spain, and what security will that Act afford, if, as is certain, it fail to obtain the royal assent? An address would not embarrass the king; an Act must, in the circumstances, induce a check, and annul the good effect of our unanimity. Violent personal altercations were interspersed with these arguments, and again and again "there was a great cry and confusion". "Several hours' discourses," continues our chronicler, "and the cry rose again till they were all, as it were, out of breath, and a silence for some time."† The silence was ere long disturbed by the battle-cry of lord Belhaven; and a score of members fell a-struggling for a hearing, to rebut some sentiment offensive to patriotism, or assert its contrary, with equal offence to the other side. The question was finally decided in favour of an address, by 104 to 84 votes; the duke of Hamilton dissenting, and demanding the record of the names of his adherents in the minutes, in order that posterity might judge who were the lovers of their

* *Carstares Papers*, p. 688.

† Hume's *Diary*, pp. 52-54.

country.* The address, after recounting the wrongs suffered by the country, craved the king "to prevent all encroachments for the future, that may be made, either by your English ministers abroad, or any other to the prejudice of the kingdom and our said company, or any project of trade that we may lawfully designe, and to assure the company protection in their just rights and privileges, and reparation for the losses suffered by the injuries and violence of the Spaniards".†

Outside the Parliament House, the controversy had its eager partisans, who were, for the most part, warm admirers of the duke of Hamilton and lord Belhaven. Men, like Fletcher of Saltoun, who was not a member of this Parliament, lifted up their voices on the side of patriotism and justice. Fletcher called on the king to do impartial justice to Scotland, as against the jealous opposition of England and Holland, though he admitted that circumstances tended to hamper his action. The hostile attitude of English diplomatic agents at foreign courts furnished him with a plea for the appointment of Scottish envoys to watch over national interests. Had not Scotland contributed far more than her share, in men and money, to the support of English and Dutch interests in the late war with France? Nearly eight thousand Scottish seamen, many of them pressed into the English service in contravention of international law, had fought on board the English fleet; between two and three thousand more had served in that of Holland, besides a number of foot and cavalry regiments in Flanders. Was not Scotland asked to maintain a considerable force in time of peace, in the interest of Dutch

* A cartoon was seized by order of the Privy Council, and its author sent to the Castle. It represented the figure of Scotia in the attitude of encouraging those in favour of an Act in preference to an address, in the words, inscribed on the right side, "Sumite animum, tam quibus salus, quam quibus gloria patriæ clarissima est," with the English translation on the left, "Take courage, ye to whom your safety and the glory of your countrie is dear".—Hume's *Diary*, pp. 76-79.

† *Acts of Parliament*, X., p. 250.

and English trade? And, in return, Scotland must be kept poor by having her commercial ventures sacrificed for the benefit of those she had helped so materially to defend! *

It must be granted, however, that the fervent patriots, outside and inside Parliament House, meted out but scant justice to the king. During the summer of 1700, William was almost as unpopular as James II. had been at the moment that a Revolution had hurled him from the throne. The licence with which his name was bandied in the public prints, may be gauged from the fact that, in a satirical Latin poem by Dr. Pitcairn, there is a reference to the fable of the frogs receiving from Neptune a stork for a king. There were even those who thought a second Revolution within the range of possibility. It was said that the Jacobites had supported the Darien scheme, in order to bring this devoutly wished for consummation to pass. They saw, it was said, that it would eventually raise a nest of hornets about the king's ears, both in Scotland and on the continent.† Complaints were heard that even some of his Scottish ministers were but lukewarm in his interest. There was little disposition to make allowance for the fact that William's repressive attitude towards Scotland was perforce influenced by his foreign policy and his English crown. Though cold and silent, he was at least sympathetic in his views of the needs and claims of Scotland. His chief adviser, the prudent and able Carstares, was a Scotsman, and a Scotsman who was not likely to use his influence to the detriment of his country. William, at all events, deserves the merit of seeing the bearing towards union of this unfortunate quarrel.

* *First Discourse concerning the Affairs of Scotland: Works*, pp. 78-91.

† Burnet, *History of my own Times*, pp. 651-2. Lord Belhaven, it was asserted, was in Paris during the winter 1701-2, in order to sound the Pretender about a change of religion, and to promise him the allegiance of Scotland, if he would turn Protestant. Belhaven denied this imputation, and insisted that his visit was solely concerned with his son's education at the Sorbonne.—*Papers on the Scots Plot*, p. 20.

He saw that the relations of the two countries, under the union of the crowns, had become unworkable and insupportable. He saw that a system that enabled England to checkmate her restive neighbour, and kept Scotland poor, fractious, and resentful, was an utterly bad system. He saw that a relation of inequality and friction, that had resulted in loss and tragedy to Scotland, must be amended or ended. He had been an advocate of a closer union at the beginning of his reign; and his only panacea, at its close, was a return to the old thought of a Commission to readjust the terms of partnership. A stray expression, culled here and there from the diplomatic and political literature of the time, demonstrates that Scottish statesmen, like Marchmont and Seafield, had come to the same conclusion, and were beginning to advocate the idea of an incorporating union.* Even before the eruptive Session of the exasperated Parliament in 1700-1, William had virtually espoused the cause of Scotland in his answer to the address of the Lords, in February, condemning the Scottish enterprise. He urged on them the necessity of taking the step, which the logic of the Darien catastrophe forced on England as well as Scotland. While expressing his resolution to foster English interests, "he cannot," he told them, "but have a great concern and tenderness for his kingdom of Scotland, and a desire to advance their welfare and prosperity; and is very sensibly touched with the loss his subjects of that kingdom have sustained by their late unhappy expeditions, in order to a settlement at Darien. His majesty does apprehend that difficulties may too often arise with respect to the different interests of trade between the two kingdoms, unless some way be found out to unite them more nearly and completely; and, therefore,

* "I have much thought upon it" (the Union), wrote Marchmont to Seafield, on the 7th October, 1699, "and am of opinion that the generations to come of Scotsmen will bless them and their posterity who can have a good hand in it; and I would wish that you and I may have some good hand in an affair that may be of advantage to our king and country." —*Marchmont Papers*, III., p. 178.

his majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they would consider of an union of the two kingdoms. His majesty is of opinion that nothing would more contribute to the security and happiness of both kingdoms, and is inclined to hope that after they have lived near a hundred years under the same head, some happy expedient may be found for making them one people, in case a treaty were set on foot for that purpose; and therefore he does very earnestly recommend this matter to the consideration of the House." *

The Lords, too, had evidently come to see, in the light of the international history of the preceding five years, that "a more complete union" was the only solution of this burning international question. On the 25th February, 1700, they passed a Bill to appoint commissioners to consider the subject of union, and sent it to the Commons. Unfortunately, they added the expression of their opinion that it was "a Bill of great consequence". The jealousy of the Commons took offence at a phrase which, with too keen touchiness, they interpreted into a desire to read them a lesson in politics. They showed their resentment by throwing out the Bill at the second reading. They had already given evidence of a temper as bitter as that which swayed the Scottish Parliament, in ordering a Scottish book entitled *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien* to be burned by the hangman.† Burnet will have it that their unsympathetic attitude in refusing assent to the Union Bill was not actuated by hostility to Scotland, but by a malicious desire to increase the discredit of the king north of the Tweed.‡ At all events, nothing more was heard of union until William, laid low by the effects of the lamentable accident that

* *Lords' Journals*, 12th February, 1699 (1700).
† Evelyn's *Diary*, p. 576.
‡ *Hist.*, p. 662.

shortened his life, renewed, in the solemnly impressive words of a dying man, his exhortation in favour of unity. War with Scotland, he felt, must otherwise, sooner or later, be the result of international friction. Regretting the unhappy accident which prevented him from addressing the Peers from the throne, and reminding them of his efforts on behalf of union, "he was fully satisfied," he continued, "that nothing can more contribute to the present and future security of England and Scotland than a firm and entire union between them; and he cannot but hope that upon a due consideration of our present circumstances, there will be found a general disposition to this union. His majesty would esteem it a peculiar felicity if, during his reign, some happy expedient for making both kingdoms one might take place, and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does, in the most earnest manner, recommend this affair to the consideration of the House." * Before this expedient could be found, William had passed away, leaving to his successor the apparently hopeless task of pursuing his policy.

* *Parliamentary History*, Vol. V., p. 1341.

CHAPTER III.

THE ACCESSION OF QUEEN ANNE (1702-1703).

AT the accession of Queen Anne in March, 1702, the political outlook, not only towards Scotland, but towards Europe, was very dark indeed. William's policy of conciliating the Scots, emphasised almost with his last breath, had as yet produced no fruits. Scotland was furious and rebellious over its reverses. An active Jacobite party was straining every nerve to fan its angry discontent into open violence. The war cloud seemed to be lifting its portentous head athwart the horizon, north of the Tweed. Across the channel, the signs of the times were no less alarming. William's policy of settling the question of the Spanish succession, by partition treaties, had failed as disastrously as his attempt to calm the wild sea of Scottish resentment. Nay, they contributed to bring about the war, which they were intended to prevent. The Spanish nation was furious over a project, which appeared to harbour a dastardly intention to deal a blow at the grandeur and power of the Spanish monarchy. Charles II., influenced by the national ferment and the wily statecraft of the French king, accepted in his will the son of the dauphin as his successor. The emperor, whose claims were dashed aside, prepared to vindicate them by force, and William exhausted the resources of his statesmanship to support him. If he succeeded in gaining the English people to his policy of curbing the ambition of Louis, a great European war was inevitable. The Tory party strongly disapproved of the policy of

involving England in the dynastic quarrels of Europe, and was bitterly hostile to the system of standing armies and foreign subsidies, with which the policy of intervention had burdened the English revenue. The Tories were, at this juncture, supreme in the House of Commons, and had marked their opposition to William's statesmanship by reducing the army and navy. They were loud in their censure of the partition treaties, and even urged acquiescence in the will of the Spanish king. They would probably have succeeded in maintaining peace on these terms, as far as England was concerned, had not the ambition and impolicy of Louis brought about a revulsion of national feeling in favour of William's warlike policy, and invested it with all the strength and *éclat* of widespread popularity. Louis, at this critical juncture of European affairs, was guilty of two acts of arrogance, which constituted both a menace and a challenge to his old foes across the channel. He seized the barrier fortresses of the Spanish Netherlands, and made prisoners of the Dutch garrisons, by which they were partially occupied for the protection of Holland. This unwarrantable aggression, which placed French troops in possession of a line of fortresses from Luxemburg to Nieuport and Ostend, was not merely a menace to Dutch independence; it was interpreted, rather precipitately, perhaps, as a grave danger to that of England. The result was the successful negotiation, on the 7th September, 1701, with the approbation of the vast majority of Englishmen, of the Triple Alliance between England, Holland, and the emperor, in the interests of Dutch independence, and the balance of power. Louis had, nevertheless, the temerity to aggravate the passion of resentment across the channel by the recognition of the Pretender, on the death of James II. ten days later, as King of England, in direct violation of the treaty of Ryswick.* A new House of Commons, which met in

* Leckie, *England in the Eighteenth Century*, Vol. I., pp. 23-30.

December of the same year, was fiercely bellicose and triumphantly Whiggish. William had not lived long enough to declare the war to which it was favourable; but little more than a month after his death (4th May, 1702), the gauntlet was thrown down by the Government of his successor, under the direction of Marlborough and Godolphin, the one famous in English annals as the greatest general, the other as the ablest financier of his age.

This act, which inaugurated a long and bloody struggle between the greater powers of Europe, is especially memorable in connection with the subject of union, and must be carefully noted at the outset. It was, as we shall see, the fact of England being immersed in the complications of a desperate European struggle, that furnished a powerful incentive to secure the co-operation, and obviate the grave consequences of the hostility of the Scots, in its prosecution, at the price of an incorporating union. The war that made the name of Marlborough immortal in English annals, contributed in no small degree to inaugurate the union, in the still grander annals of Great Britain.

The new sovereign chose her principal advisers from the ranks of the Tories. A pronounced attachment to High Church doctrines drew her political sympathies towards the party, that supported the dogma of divine right. At the same time, it must be remembered to her credit that her piety, strongly influenced by subservience to ecclesiastical form, was both generous and self-denying. She had, too, the good sense to lay a restraint on her natural bent towards intolerance, in her attitude towards the nonconformists of England, and the dominant Presbyterian party in Scotland. To the former she promised her protection; and though her ardent support of the Occasional Conformity Bill belied the prospect of toleration in England, her anxious desire for a closer union with Presbyterian Scotland proves that she was prepared, when necessary, to sacrifice her ecclesiastical convictions to political

expediency. It boded ill, however, for the immediate prospect of successful union negotiations that her political and ecclesiastical proclivities inclined her to dispense her favour to the leaders of a party, that had proved itself emphatically hostile to the claims and aspirations of the Scots. While Marlborough, who became captain-general of the forces, and Godolphin, the new lord treasurer, were men of moderate party bias; the earl of Nottingham, the new secretary of state, and Sir Edward Seymour, the comptroller-general, were, on political and ecclesiastical grounds, inveterate haters of Scotland. It was a Tory House of Commons that had thrown out the Bill sent down to it by a Whig House of Lords in February, 1700. Though a general election in the following year had replaced the Tory majority by a Whig one, the pendulum was about to swing back in favour of the former, in the electoral contest of the summer of 1702. The fact that a party, which, in the main, was favourable to the plea of justice to Scotland, was superseded, in the royal favour, at the moment when the policy of union was taken up by William's successor, is a very significant fact in the international history of the next three years. It, unfortunately, served to irritate rather than assuage the fevered relations between the two kingdoms. Not until men like Nottingham and Seymour have been displaced, and Marlborough and Godolphin have drawn closer to the Whigs, and finally thrown in their lot with Somers and Halifax, will considerations of policy, which already influence the queen in pressing her predecessor's scheme of union, open the way to its consummation. Between that consummation and the opening of the English Parliament in the month of March, 1702, there lies an interval of the fiercest strife and recrimination.

Meantime, the queen, apparently unconscious of the antagonistic passions, that will exhaust themselves on both sides of the border on this momentous question, exhorts Lords and Commons, in gentle, kindly tones, to hasten a

solution. "I cannot but think it very necessary on this occasion," she remarked, in a paragraph of her first speech to both Houses, "to desire you to consider of proper methods towards obtaining an union between England and Scotland, which has been so lately recommended to you as a matter that very nearly concerns the peace and security of both kingdoms." The Lords and Commons, being as yet mainly Whiggish, and being, besides, under the spell of the hazards attending the great war about to be declared, launch into the question, whether to nominate a Commission, with a large amount of goodwill. The motion to empower her majesty to appoint commissioners was indeed resisted by the Tory minority, "with much heat, and not without indecent reflections on the Scotch nation," and subjected to considerable "rough treatment" in its passage through both Houses. The Government as represented by Tory landowners, like the comptroller-general, whose anti-Scottish sentiments would not let slip the opportunity of indulging in vituperation, was the reverse of sympathetic. "The indecent form with which Seymour and others treated the Scots," is the observation of Burnet, "were clear indications that the positions they were brought into had not changed their tempers."* But the substantial majorities with which the motion was passed through both Houses on the 20th April might serve to soothe the irritation of the maligned Scots, whilst its initiative in the English Parliament was intended as a salve to Scottish resentment at the ungracious attitude of the Commons two years before.

This tardy act of atonement ought in all reason to have been hailed with general acclamation by the eruptive Scots. Unfortunately, the duke of Hamilton, and his dissenting contingent, in the last Session of the Scottish Parliament, had been nursing their ill-humour and their purpose of vengeance on an obnoxious commissioner and

* *History*, p. 707.

his slavish majority. He derived hope for the satisfaction of their grievances from the misgivings, with which a majority of their countrymen viewed the accession of a sovereign, who was a devoted adherent of episcopacy. Though glad to be rid of King William, the Scots were not at this stage very enthusiastic in their loyalty to his successor. Fears for the stability of the Revolution settlement, in so far as it concerned the Presbyterian establishment, excited, as we shall see when we come to take a survey of the state of religious and political feeling in Scotland, its disquieting influence on a large section of the people. The duke and his supporters saw, in the fact of Presbyterian disquiet, a guarantee that a new election would increase the number of their followers, and enable them to oust a Government, identified with a cringing subservience to English influence in the past, and perhaps to become the instruments of treachery to the national creed under the new *régime!* Instead, therefore, of welcoming a Session of the old Parliament, as the most expeditious means of realising the aspiration for a fairer union, held out by the English Legislature, the duke and several of his most trusty henchmen posted off to London to implore the queen to call a new Parliament.* They were not without some justification of constitutional right in support of their arguments. On the occasion of the assassination plot, the Scottish Parliament had, during the Session of 1696, passed an Act declaring that the Estates should, if in Session, not be dissolved by the death of the sovereign, but might continue to sit for six months. If not in Session, they were authorised to meet within twenty days of the monarch's decease, to pass such measures as might be necessary to maintain the Protestant religion, the succession to the crown, as established by the claim of right, and the security of the kingdom. They were expressly debarred from innovating established laws, or

* *Miscellany of the Scottish History Society*, I., p. 413.

passing any Act, prejudicial or contrary to them.* Therefore, argued the duke, Parliament not having met within the stipulated twenty days, after the death of William, cannot legally be convened; and even if this condition had been satisfied, its meeting was unnecessary, as the purpose of its deliberations—the security of religion and of public order—had already been realised by her majesty's peaceable accession.

Queensberry and his colleagues, who had likewise betaken themselves, in self-defence, to the Court, felt safer in the hands of the old Parliament, than in the more than dubious allegiance of a new one. They succeeded in persuading the queen, whose limited intelligence was incapable of comprehending a nice point of Scottish constitutional law, that it was both legal and preferable to authorise the sitting. The urgent obligation of procuring funds to put the kingdom in a state of defence, in view of the war, was an unanswerable argument with her majesty and her advisers. Queensberry carried the day, and Parliament was summoned to meet at Edinburgh on the 9th of June. The first sitting began in dissensions, ominous of the stormy struggles of faction that were to disturb the first half of the new reign. Before the commissioner or chancellor could open their mouths, Hamilton stepped foward to proclaim his contention against the legality of the sederunt. He professed the utmost loyalty to the queen, but felt constrained to enter his dissent as a tribute to the constitution, and read a paper containing the substance of his former arguments. He thereupon withdrew, followed by over seventy adherents, and greeted by an applauding crowd in the street, to the Cross Keys tavern. There the dissentients agreed to send lord Blantyre to London, to conciliate, if possible, the queen's displeasure.† Parliament survived the shock, and continued to sit not-

* *Acts of Parliament*, X., 59-60.

† *Ibid.*, XI., 4. Lockhart's *Memoirs*, 11-14. *Miscellany of the Scottish History Society*, I., 417.

withstanding. It recorded the patents conferring a dukedom on Argyle, the dignity of marquess on Lothian and Annandale, and that of earl on Seafield and Carmichael, as the reward of their support of King William in the foregoing Session. It listened with gratitude to the announcement in the royal letter of the action of the English Parliament, empowering her majesty to appoint commissioners to treat of union. It received, with an equal sense of favour, the assurance contained in a second communication, of the royal sympathy with the African Company, and the royal readiness to co-operate in every reasonable proposal for the reparation of its losses. It then proceeded to recognise her majesty's authority, and to take the wind out of the sails of the dissentients by passing an Act for the security of the Protestant religion and the Presbyterian church government. To secure themselves against the aspersion of their opponents, who ridiculed them as the Rump Parliament, the Estates voted an Act declaring the present meeting of Parliament to be a lawful and free Session. They expressed their resolution, in an answer to the royal letter, to carry out the recommendation to appoint a Commission of Union. They embodied this resolve in an Act authorising the queen to nominate commissioners to treat with those of England, reserving the right to reject or confirm their decisions, and adding a special caveat in favour of the Presbyterian church government. This rare spirit of unanimity received a check, in the consideration of an injudicious motion, by the chancellor Marchmont, to abjure the Pretender. A similar motion had previously secured the unanimous approval of the House of Commons.* But the cautious Scots were careful not to throw away any possible advantage, that might tend to commend the arguments of their commissioners to their English colleagues in the Cockpit. If Scotsmen were meekly to abjure the

* Tindal's *Continuation of Rapin's History of England*, XX., p. 42.

Pretender, they would destroy the spectre of Jacobite intrigues and French intervention, which kept the nerves of Englishmen in trepidation, and forced them to cultivate good manners, and the spirit of mutual sacrifice in favour of Scotland. The majority were keen to see their advantage, and refused to muzzle their dog in the manger.* It was not even certain that the abjuration would be acceptable to the queen, and some of her advisers were reported to be by no means favourable to it. The menace of an open succession would furnish them a rod, wherewith to beat the Whigs into subjection,† and to keep the family of Hanover under a due sense of their dependence. Besides, the seceders, noting the friction excited by the motion, threatened to return and intensify the spirit of contention. Queensberry foresaw the evil effect of this gathering storm, and on the 30th June abruptly adjourned the Session.

The commissioners were summoned to meet at Westminster on the 27th October. They included in their ranks the leading statesmen on both sides. Scotland was represented by, among others, the dukes of Queensberry and Argyle, the marquesses of Annandale and Lothian, the earls of Seafield, Hyndford, and Leven, the viscounts Rosebery, Tarbat, and Stair, the president of the Court of Session, Sir George Maxwell; the lord advocate, Sir James Stuart; and the provosts of Edinburgh, Glasgow, Dundee, and Aberdeen. The more notable of the English representatives were the lord keeper, Sir Nathan Wright; the lord Godolphin; the dukes of Somerset, Devonshire, and Newcastle; the marquess of Normanby; the earls of Jersey, Pembroke, Nottingham, Carlisle, Scarborough, Burlington, and Marlborough; Sir John Holt, the chief jus-

* Murray of Philiphaugh, in his account of the discussion to Carstares, says that a large number of members based their opposition on the ground "that such a step would carry us so far into the measures of England about the succession, that *they would becomè careless and indifferent about the Union*".—*Carstares State Papers*, 715.

† Lockhart's *Memoirs*, 16-17.

tice ; and Robert Harley. As a quorum of Scotsmen did not appear in the Cockpit on the appointed day, the first meeting did not take place till the 10th November. The conference opened with the mutual expression of goodwill and sincerity. The queen added her good wishes in a speech on the 18th, in which she advocated "an indissoluble union as the most likely means, under heaven, to establish the monarchy, secure the peace, and increase the trade, wealth, and happiness of both nations".* The commissioners decided that all propositions should be made in writing and discussed verbally, though not on the same day. No proposal which had been agreed on was to be obligatory on either side, till all the articles had been adjusted.

The English commissioners then proposed that the two kingdoms be united into one monarchy under the name of Great Britain, and subject to the same conditions of succession as were already guaranteed by English statute † to the Electress of Hanover. The representatives of Scotland laid stress, in addition, on "a mutual communication of trade, and all other privileges and advantages," as the indispensable condition of a "compleat union". This was admitted on the English side, subject to further definition and discussion. Meanwhile, the first two points were ordered to be entered in the respective journals.

The Scottish commissioners next handed in a paper defining free trade to mean equality of dues on all exports and imports, except those specially imposed for the payment of the English debt, equal freedom of commerce to and from the English plantations, and the abolition of the Navigation Acts of either kingdom. In reply, the English representatives insisted that "sheep, wool, and sheep fells" should be excepted from the benefits of a free home trade ;

* Bruce, *Report*, II., App. l. *Acts of Parliament*, XI., App., p. 148.

† Act for the further limitation of the crown, and the better securing the rights and privileges of the subjects, twelfth and thirteenth years of William's reign.

that this trade should be subject to the penalties, securities, and regulations provided by the laws of England; that prohibitive duties should be the same for both; and that the commerce with the plantations, as the exclusive property of Englishmen, must, at this stage of the negotiations, at least, be reserved. In regard to the English debt, they pointed out that it had been incurred in opposing the power and growth of France, and that Scotland had shared in the benefits of this opposition equally with England. Besides, the gain to Scotland from a "compleat union" would more than recompense her for any additional burden she might be called on to bear. If an equivalent for this purpose should be allowed to Scotland, the question of the proportion of the taxation of an United Kingdom Scotland was willing to support, must first be settled.

On the 2nd January, 1703, discussion had advanced so far that the Englishmen admitted the claim of the Scots to a share in the English colonial trade, while the Scotsmen gave in to the English demand of equality of prohibitive duties without exception, and of the liability of Scottish, equally with English seamen to be pressed for the public service. The attempt at compromise on the subject of the English debt proved a much more difficult task. The English Government was in the unenviable position of having contracted considerable obligations to defray the cost of the present and the late wars, whereas the Scottish revenue was entirely unencumbered. The Scotsmen, therefore, contended that as no part of Scottish taxation had hitherto been directed to pay State debts, it would be unjust to saddle the Scottish taxpayer with additional burdens, in payment of English obligations. The duke of Queensberry proposed, on behalf of Scotland, that no increased duties or taxes should be laid on the northern half of the United Kingdom, till all debts contracted by England, before the Union, be paid off. Future taxation might be left to the Parliament of Great Britain, provided always that the proportion of Scotland should be

kept at a just rate, in comparison with England. Scotland might further expect an equivalent of at least £100,000 a year, to be set apart from some branch of the British revenue for the encouragement of her fishery and manufactures, in return for her compliance in subjecting herself to the same duties on export and import with England. Her share of the land-tax should not amount to more than £48,000 at the most, and less in proportion, if the assessment in England should be below four shillings in the pound.

The English commissioners reiterated their contention that Scotland would be amply compensated by the benefits of the Union for the burden of paying part of the English debt. They rejected all proposals of exemption for Scotland from increased duties, on the ground that this would enable Scottish manufacturers to undersell their English rivals. Equal duties on articles of home consumption must be laid on all parts of the United Kingdom; and if exemption were granted for a certain period, till Scotland should realise financial benefit from the operation of the Union, it would be necessary, in defence of the interest of the English merchant, to levy duty on such Scottish products when exported to England. As to an equivalent, the benefit to Scotland from a share in English colonial commerce ought to be regarded as ample remuneration for equality of duties. Their opponents maintained the justice of their contention, however; and in their reply of the 25th January, insisted that England should pay its own debts, contracted before the Union. Scotland had more than repaid any benefit accruing to it from the late war, by contributing a considerable force by sea and land. Moreover, the increase of revenue arising from the ordinary taxation of an united kingdom would be so much gain to England, by leaving her free to devote so much more of her own taxes to the payment of her debt. As to the fear of injury to the interests of the English merchant by temporary inequality of duties, such inequality

was only provisional, and would cease when the English debt was paid off. They further pleaded that as Scotland had suffered so much loss of capital by the failure of the Darien scheme, it was absolutely necessary to reanimate its exhausted resources, by special, if temporary provision. The English commissioners refused to waive the point of equality of duties, but were willing to leave the time from which it was to take effect to the decision of the British Parliament. They agreed that no part of the revenue of Scotland should go to pay the English debt.

On the question of guaranteeing the privileges of the African Company, insuperable obstacles foreboded a rupture. The English representatives were unable to admit that the existence of the Scottish Company was compatible with the privileges of the great English commercial corporation. The Scots were as decided in their opinion that the public faith of Scotland was pledged to the subscribers, and could not be broken. As they did not propose to extend its privileges beyond Scotland, they failed to see how they could affect the interests of the East India Company. Justice, at least, demanded that, in the event of their being abandoned, the subscribers should be recouped at the expense of the public treasury. The state of feeling on both sides was too keen to allow of compromise on this sore point, and the negotiations broke down. On the 3rd February a letter from the queen was read, adjourning the Session till the 4th October, in order to allow time for reflection. Before that date, the irate Scottish Parliament, in high dudgeon at its lord commissioner for refusing the royal assent to an Act for securing the liberties of the kingdom, curtly decreed the Commission to be "terminate and extinct".

At the best, the discussion had been merely tentative,*

* "Neither side is serious in the matter," is the reflection of a contemporary Scottish scribe.—*Miscellany of Scottish History Society*, I., p. 423. On the other hand, Seafield, writing to Leven in March, 1702, has great hopes of a satisfactory settlement. "If we be unite among ourselves,

and the presence of the queen herself, who appeared on the 14th December, to repeat her sense of the importance of the negotiation, had been necessary to reanimate the conciliatory spirit of the commissioners. A week later, Tarbat had expressed his misgivings as to the result, in a letter to his fellow-commissioner, Nottingham. "I am so much in love with the Union, that, if thereby, I be pushed to press upon your time, I will hope for your pardon, on account of the cause, for which I am concerned. My lord, this treaty must either produce a very happy, or a very unhappy, conclusion; and I must be afraid of the latter, if an impossibility be proposed as a condition. . . . I presume Scotland will go to the utmost reach of possibility, for what may render Britain secure and happy; but when 'impossibility' gives a stop on that side, the safety must be from the prudence of England."* An ominous feature of the absence of interest, or expectation of result, was an impossibility of another kind—the oft-repeated impossibility of getting a quorum of members together. Time after time the sitting had to be adjourned on the score of meagre attendance, the English commissioners being the chief delinquents. It was necessary to reduce the number to form a quorum to seven. The debt, the equivalent, the African Company, the participation of Scotland in English colonial trade, were impediments which the discussion had tended to emphasise, rather than to clear away. Neither side felt that it could face Parliament with an unanimous report. Neither could hope, even if they could agree to recommend a series of articles, to win suffrages for a compromise, which would excite, rather than allay, national prejudice at Westminster, as well as in the

we cannot miss to prevail in the Union."—*Melville and Leven Correspondence* (Fraser), II., 183; *cf. Cromartie Correspondence* (Fraser), I., 161-64, where Sir W. Bruce is found expressing anxiety to Tarbat lest the opposition of the true blue Presbyterians and the aspirants for office in Scotland may wreck the Union negotiations.

* *Add. MSS.*, 29,588, f. 379.

Parliament House. Both had felt the strength of conflicting interests; they had not reached the stage from which they could see that self-interest demanded their adjustment, even at the cost of self-sacrifice.*

The failure of the negotiations produced no marked effect on English public opinion. The question of "a closer union" was not yet become a national question in England. English political feeling was, in the course of the next three years, to be stung into fierce activity, by the action of the Scottish Parliament, which threatened serious consequences, in view of the war with France. As yet, it was largely indifferent at the breakdown of the discussion. Scotland was, to the ordinary Englishman of the beginning of the eighteenth century, almost a *terra incognita*. The grievances and the aspirations of its people were alike unknown, or unintelligible to him. What Scotland thought or said, was hardly noticed outside the circles of the Government, except to be superciliously, and, too often, ignorantly, ridiculed, or flouted. The prevailing sentiment was that of an inherited animosity, which occasionally took advantage of some episode, like the Darien controversy, to vent itself in a demonstratively offensive manner. "If I should but touch on the usage we constantly meet with from this nation," exclaims Fletcher, in one of his heated moods, "I should not be believed, if all Europe were not sufficiently informed of their hatred to all strangers, and inveterate malice against the Scots. I know very well that men of gravity and good breeding among them are not guilty of scurrilous reflections against any nation. But when we are to consider the case in question (the Union), we must have a just regard to the temper and general disposition of the people."† Politicians like Harley,

* See, for an account of the negotiations, *Proceedings of the Commissioners appointed to treat for an Union betwixt the Kingdoms of England and Scotland*, in *Acts of the Parliament of Scotland*, XI., App., pp. 146-161. *Cf.* Bruce, *Report*, App. II., pp. 48-50.

† *Account of a Conversation: Works*, p. 421.

Somers, and other leading Whigs, were keen advocates of a closer union; but Harley, while expressing his friendly sentiments towards the Scots, was constrained to admit that Englishmen generally were, at this stage, too supercilious to notice Scottish grievances. "To say the truth," he wrote in a letter to Carstares, in reference to the collapse of these negotiations, "very few speak at all about them, and those who do (I mean any Ministers of State), speak with too little concern,—less than they do of the king of Sweden and the Pole. I think this is not right; for though Englishmen may not meddle about their affairs, I cannot but have a zeal for a nation so full of good and learned men, who have in all ages given such proofs of their learning and courage." * Publicists, like Defoe, who were ardent champions of the Union, on enlightened grounds of its utility to both nations, were at this period exceptional. The author of *Robinson Crusoe* deserves, indeed, the credit of being, in his capacity of political controversialist, in advance of his time.†

There were, however, two classes in England whose prejudices and self-interest were keenly affected by the discussion, and who experienced no inconsiderable satisfaction at its failure. The colonial merchants, and the High Church Tories, were by no means apathetic towards a movement, which, it was now seen, must involve the grant to Scotland of unrestricted trade with English Colonies, and the recognition of the Presbyterian State Church by an united Parliament. The opposition of the former to the Darien scheme was an earnest of the uncompromising dislike to any measure, that proposed to extend to Scotland participation in English commercial privileges. According to the current commercial dogma, it was a loss to

* *Carstares State Papers*, p. 720.

† "This I took the freedom always to tell the world," he says in the introduction to his history of the movement, "that it must be a general, compleat, entire, and indissoluble union of interests and parties, depending upon equalities of privileges, burdens, prospects, and, if possible, of desires."

England to share these privileges with another nation, even if that nation owned allegiance to the same sovereign. Prohibition was, as we have seen in the Darien episode, the dominant economic maxim of the age. If England could not suffer Scotland as a competitor in the field of colonial enterprise, she was, at this stage, still less disposed to permit her intrusion as a participator in the advantages of the trade with the Plantations. The Englishman has been too prone to regard with unreasonable dislike the efforts of a less wealthy, but active people, to retrieve its commercial position. The not always latent ill-will towards the omnipresent and persevering German adventurer of to-day, conveys a vivid idea of the uncompromising hostility, with which the merchant princes of London regarded the presumptuous demand of the Scots for co-operation, at the beginning of the eighteenth century.

And what, cried the supercilious High Churchman, can be said for a proposal, that threatens to introduce into an united British Parliament an element that may prove dangerous to the Church of England, as well as to involve recognition by England of a handful of miserable Presbyterian sectaries? Prejudice in favour of the exclusive right of Prelacy was as strong south of the border, as it was in the north, on behalf of the divinity of Presbytery. To place the two on the basis of equal privileges in the respective countries, by the Act of a British Parliament, was too much to expect of Anglican Toryism. Union might come by the miraculous dispensation of Providence; it would not come if the High Churchman might interpose to prevent His decrees. Nevertheless, the element of self-interest is strong; and Providence may find in it, as so often, the door of opportunity. It was to England's decided advantage to conciliate a hostility which had threatened her safety at many a critical juncture in the history of both nations, and which, in its present acute form, was increasingly felt to be a harassing consideration, in view of a foreign war. It was equally to the advantage of the

Scots to cultivate a better temper, and press for a renewal of negotiations.

While the commissioners were assembling in the autumn of 1702, to begin the fruitless work of negotiating a Treaty of Union, Scotland was engaged in the no less touchy task of electing a new Parliament.* When we turn from the heated debates of the Parliament House, and the languid discussions of the Cockpit, to take a survey of the state of public feeling in Scotland, we are struck with the presence of intense religious and political faction, that, in addition to the widespread material depression, has come down as the legacy of past misgovernment. It is needful to note this fact at this stage, in order the better to grasp the bearings of that great struggle, which is to absorb so large a part of the history of Scotland during the next five years, and which combined religious and political motives, with the striving for commercial regeneration.

The ecclesiastical history of the last half of the seventeenth century contributed a terrible inheritance of acute friction and irreconcilable contention. The Revolution witnessed the abolition of Episcopacy, and the restoration of Presbytery as the established religion. In the south-western shires of Scotland, where the Cameronians, representing the sterner section of the Presbyterians, had been so bitterly persecuted, but not exterminated, the people rose and "rabbled" the Episcopal clergy. The ministers were ejected from their manses, and driven from their parishes. The remnant of the Presbyterian clergy, which had escaped imprisonment, exile, or death, were installed in their places. Scotland, south of the Tay, threw off an ecclesiastical yoke which was associated with persecution, and only maintained by the bloody excesses of a Claverhouse. North of the Tay, the majority of the people were Episcopalian, either from conviction, or the dread of the

* See Luttrell's *Short Relation of State Affairs*, V., pp. 203, 208, etc., for brief observations on this subject.

consequences of opposition. Both parties claimed a majority of the nation, and filled the country and the Parliament House with their discordant contentions, on the grounds both of numbers and divine right. The Episcopalians demanded to be preserved in their privileges; the Presbyterians, to be lawfully declared as constituting the National Church. William wisely left the decision to the Scottish Estates. The Convention decided in favour of Presbytery. It declared that "Prelacy is and hath been a great and insupportable grievance, and trouble to this nation, and contrary to the inclination of the generality of the people, ever since the Reformation, and therefore ought to be abolished".* Abolished it accordingly was. The Act of 1690 repealed all the laws in favour of Episcopacy, and established its rival. Patronage was at the same time abolished, and the right of nomination conferred on the elders and heritors of a parish, subject to the approval of the congregation. In case of disapprobation, the Presbytery was empowered to judge and give a final decision on the objections to the nominee. This legislation was followed by the appointment of Commissions of the General Assembly, to purge the Church of those Episcopal ministers who had managed, especially north of the Tay, to retain their livings. They carried out their task with narrow severity. Although a large number of clergymen offered to compromise, they were deprived of their positions in favour of Presbyterian rivals. The same fate befel a considerable number of the professors of the Universities, who could only hold office by subscribing the Confession of Faith. The religious controversy was thus settled to the advantage of Presbytery; but peace was as far off as ever. William urged in vain the policy of amalgamation. He wrote letter on letter, exhorting the Church to retain the Episcopal clergy, who were willing to acknowledge the Government, and profess Presbytery.

* Cunningham, *Church History of Scotland*, II., p. 161.

The Assembly not only waged war on the Episcopal clergy; it assumed an attitude of opposition to the king. The Scottish Parliament intervened, and in "An Act for settling the Peace and Quiet of the Church," decreed the admission of Episcopalians who were willing to conform to Presbytery and take the oath of allegiance and assurance. Even the Presbyterian ministers objected to take the oath, on grounds, not of hostility to the new *régime*, as in the case of the Episcopalians, but as savouring of Erastianism. There was friction between the Assembly and the royal commissioner, and excited and angry discussions of the points of difference. Through the moderating influence of Carstares, William waived the point of subscription as far as the Presbyterian ministers were concerned, and the Assembly relaxed its rigour towards the Episcopalians, who were willing to qualify in terms of the Act of Parliament.

The controversy was so far settled as between the Assembly and the king. Not so as between Presbyterians and Episcopalians. The bane of ecclesiastical rancour, of contending polities, remained to disturb the country. The majority of the Episcopalian ministers refused either to acknowledge Presbytery, or to take the oath of allegiance.* They remained the staunch partisans of the exiled James, and in some districts were so strong in the popular support as to defy the efforts of the Assembly to oust them from their livings. In some collegiate charges the Episcopalian clergyman officiated at one service, the Presbyterian at the other. The greater number were displaced, however, and their spheres of labour became the nurseries of disaffection to the Government. Intolerance on the one side, intrigue on the other, disturbed both the religious and political life of the nation.

The accession of Anne intensified anew the force of

* Even Archbishop Paterson of Glasgow is found complaining of the inveterate Jacobitism of his co-religionists, as likely to damage their religious interests.—*Cromartie Cor.*, I., 164-66.

ecclesiastical contention. William had been no ecclesiastical partisan. While propitiating the Presbyterians, he had striven to win the Episcopalians. His successor was a fervent believer in the divine right of Prelacy, and the hopes of the Jacobite Episcopalians rose high at the news of her accession. Their opponents were correspondingly apprehensive, and saw in the proposal of toleration for the Scottish Episcopalians the invidious commencement of an attempt to reverse the ecclesiastical legislation of the previous *régime* to their detriment. That staunch Presbyterian and ex-secretary, Johnstone of Warriston, is much concerned at rumours of a disquieting nature, circulated by the high Tory party in London, and keeps his friends at Edinburgh in touch with their utterances.* Parliament, on assembling after the accession of the new sovereign, had attempted, as we have seen, to re-assure the Presbyterian conscience by passing an Act confirming the Presbyterian Church government. But suspicion of an ecclesiastical revolution was widespread; and disquieting rumours, sedulously circulated by the Jacobites, did not tend to allay it. Moderate and politic men like Carstares felt very uneasy at the harangues in Assembly, Synod and Presbytery, on "the intrinsic power of the Church" † a phrase which then did duty for the cry of spiritual independence in our own day. If we may believe Lockhart, who, as a bitter Jacobite, felt a malicious pleasure in noting anything that was calculated to sour the Presbyterians, though he courted their alliance, this discontent was very marked. "The Presbyterians," he says, "looked on themselves as undone (by the accession of Anne). Despair appeared in their countenances, which were more upon the melancholick and dejected air than usual; and most of their doctrines from the pulpit were exhortations to stand by, support, and be ready to suffer for Christ's

* See letters in *Jerviswood Correspondence*, p. 17.

† See letter to Principal Stirling, of Glasgow University, in Story's *Life of Carstares*, p. 284.

cause (the epithet they give their own). They knew the queen was a strenuous assertor of the doctrine of the Church of England. They were conscious how little respect the great men of their faction had paid her during the late reign. They saw the Church party was preferred to places and favour in England. They knew the Scots nation, especially the nobility and gentry, were much disgusted at them, because of their promoting the Court interest in the last reign against that of the country; and upon these and such like accounts dreaded a storm impending over their heads." *

This anxiety was heightened by the Occasional Conformity Bill, brought in by the High Church Tories in England, to exclude from all public offices those who refused to conform, in the strictest sense, to the rites of the Church of England. The Scottish Presbyterians saw in the measure, an intention to strike, sooner or later, at the Nonconformist Church of Scotland. The Assembly, impatient of the appeal of its commissioner, the earl of Seafield, to exercise charity and forbearance towards those who differed from its members in Church polity, asserted the divine sanction of Presbytery, and insisted on its monopoly throughout the land, with as much narrowness as the Episcopalians had shown in less propitious times. Associations were formed for the maintenance of the national creed; and the moderator warned the brethren of their supposed danger, and exhorted them to maintain the national Zion, even with their blood.†

* *Papers*, I., p. 42.

† "Les Presbyteriens ont été alarmé de l'attachement de leur reyne à l'eglise anglicaine. Le chaleur que les communes de l'Angleterre ont fait paroître pour exclure les Presbyteriens Anglois de toutes les charges par le Bill contre la Conformité occasionnelle a augmenté la crainte de ceux d' Ecosse et les a porté à faire des associations et des ligues contre eux, authorisées par leur Synodes Provinciaux pour le maintien du gouvernement Presbyterien, et le president de l'Assemblée Générale dans son sermon à l'ouverture de leurs dernières scéances les a exhorte's à maintenir les dites ligues, et à faire connaître à tout le monde que les evêques ne seront a

The spirit of ecclesiastical faction reacted powerfully on political opinion. The Presbyterians were ardent opponents of the dogma of passive obedience. They supported the Revolution; and though their allegiance had been sorely tried by the massacre of Glenco, and the Darien episode, they were firm adherents of a *régime* that had put an end to persecution, and restored their rights. The Episcopalians, on the other hand, were Jacobites, supporters of an exiled sovereign, with whose restoration their aspirations and interests were bound up. They were warm advocates of the divine right in Church and State. They prayed and preached for King James, and, as we shall see, they were the indefatigable fomenters of the conspiracy for his return. The principles of the Revolution had divided the nation into two warring political camps, as well as into two irreconcilable ecclesiastical factions. Their antagonism, on religious and political grounds, was so inveterate, their aspirations and interests so divergent, that cohesion of general policy was next to impossible. While, however, Presbyterian and Episcopalian were so hopelessly sundered by the constitutional and ecclesiastical contentions of the revolutionary epoch, a glance at the political horizon, on the eve of the elections, displays several points of contact, which rendered co-operation on patriotic grounds—but with different ends in view—feasible, under the pressure of the accidents of history. Both sides were unanimous in resenting the opposition of the English Parliament to the African Company; both were unanimous in their denunciation of a political system, which oppressed their country, and tended to encroach on the independence of its Parliament; both were willing to join in the demand for free trade with England and its Colonies; both were staunch defenders, of what they passionately vaunted as the independence, honour, and sovereignty of Scotland, in opposition to the evil of

jamais retablis sans une grande effusion de sang."—*Hooke Correspondence*, I., pp. 21-2.

English interference in Scottish affairs.* In point of patriotism, as stirred by the late tragic events, there was nothing, at this period, to choose as between Presbyterian and Episcopalian. The memoirs left by Lockhart, of the stirring years of the Union controversy, abundantly demonstrate the warm love of country by Episcopalians so bitter, Jacobites so uncompromising, as the laird of Carnwath. Resentment against the English policy of seeking to subordinate the interests of Scotland to those of England, at the refusal of better terms of union, while opposing the efforts of Scottish competition, was common to almost every Scot, whatever his religious or political persuasion. The failure of the Darien scheme, for which, as we have seen, the Scots wrathfully held England responsible, had at least one good effect: it tended, for the time being, to nurture unity of sentiment in a nation, distracted by political and religious contention. Anger at England, the determination to assert the national rights, are, at this juncture, the predominant feelings in the vast majority of Scotsmen. "All the factions," remarks an observant contemporary, "have one view in common—liberty of trade, and independence of England—while each pursues its particular interests." † The general impatience of English domination, under the present conditions of union, is the main fact, he adds, with which the Courts of Versailles and St. Germain's should reckon. A certain unity of sentiment, begotten by the history of the past five years, with the most marked divergence of views and aspirations, as the result of the political and ecclesiastical struggles of half a century, constitutes, in a word,

* "Lors de la Revolution d'Angleterre, l'Eglise anglicaine et les Presbyteriens avoit des interests et des desseins directement opposez, et qu'il étoit impossible d'ajuster; cependant toutes les factions suspendirent leurs ressentiments et s'accordèrent pour les interests communs; de même les animositez parmi les Eccosais cederont au moins pour un tems a leur passion dominante, pour l'independence et pour la commerce."—*Hooke Correspondence*, I., p. 57.

† *Ibid.*, p. 20.

the general reading of the party barometer on the eve of the memorable Union controversy.

A closer survey of that barometer, in the midst of the general election, reveals the existence of three parties—those of the Court, the Country, and the Jacobites.* The Court party embraced the supporters of the Government. Under the union of the crowns, Scotland had retained, beside its separate Legislature, its great officers of state, on whom devolved the administration. At the opening of the eighteenth century the Government consisted of a chancellor, two secretaries of state, the president of the council, the lord privy seal, the lord register, the treasurer depute, the lord justice clerk, the lord advocate, the solicitor general, the governor of Edinburgh Castle, and several lords of the Treasury. During the sitting of Parliament, the lord high commissioner acted as the representative of royalty. After the close of the Session of 1702, a change of Ministry deprived the earls of Marchmont, Melville, Selkirk, Leven, Hyndford, Cockburn of Ormiston, and Maxwell of Pollock of their posts. The earl of Seafield became chancellor; the duke of Queensberry and Viscount Tarbat, soon to be raised to the earldom of Cromartie, secretaries of state; the marquess of Annandale, president of the Council; the earl of Tullibardine, about to become, on the death of his father the marquess, duke of Athole, lord privy seal; lord Boyle, presently to be advanced to the dignity of earl of Glasgow, treasurer depute; Roderick Mackenzie of Prestonhall, justice clerk; Sir James Murray of Philiphaugh, lord register; and the earl of March, governor of Edinburgh Castle.† Since the accession of William, the Court party, as the adherents of the men in power were called, had represented the Revolution principles in Church and State.

* Lockhart's *Memoirs*, *Carstares State Papers*, *Hooke Correspondence*, contain many hints of the state of political parties in Scotland at this period. Stair, in a letter to Godolphin during the Session of 1703, also distinguishes three parties, which he calls that of the Government, the duke of Hamilton, and the Cavalier or Episcopal party.—*Stair Annals*, I., Appendix.

† Lockhart's *Memoirs*, p. 21; *Caldwell Papers*, I., p. 197.

It would be equally correct to say that it represented the interests of the men, who for the time being wielded the direction of affairs, and the contingent of place hunters and partisans, who were dependent on them. Its politics was largely shaped by the dictates of the Court at London. In a capital without a king, in a country united to a more powerful neighbour, it was hardly possible for the Government of the day not to merit the charge of pandering to the English ministers, or at least of being the agents of a sovereign, who was greatly influenced by his English advisers. The Scottish ministers, under the regal union, were too often the mere creatures of a non-resident king, subject to the bias of English influence; and the Court party were the members of Parliament who supported what was decried, and not always without reason, as an anti-national *régime;* in other words, the supporters of Queensberry, or Seafield, or whoever happened to be in power, — controlled, directly by the sovereign, and indirectly by the English ministers. Lockhart does not give it a very high character for patriotism or probity; but Lockhart, it must be remembered, is by no means an impartial judge. "The Court party," he remarks, "were subdivided into such as were revolutioners and of anti-monarchical principles, and such as were anything that would procure or secure them in their employments and pensions." *

The influence of Argyle had hitherto sufficed to assure to the Government the general adhesion of the Presbyterians. But since the catastrophe that befel the African Company, the party of the Court had lost in numbers and influence by the growth of the Patriotic or Country party, led by the duke of Hamilton, Fletcher of Saltoun, and other public-spirited Scotsmen. It was composed of men from both sides of the ecclesiastical arena, and was representative of the nation in its struggle for regeneration, rather than of

* *Memoirs*, p. 35. Clerk's judgment (*Memoirs*) is more favourable. They were swayed by interest of country as well as considerations of royal favour.

political faction or religious sect. "Their aim," wrote a correspondent of Carstares, "is solely the peace and security of the Government and the good of the country, by an industrious pursuit of honourable and profitable trade." * Hamilton and Fletcher had laboured to restore the crippled commerce of Scotland by nurturing the spirit of enterprise. As we shall learn, in the impassioned discourses of Fletcher on the floor of the Parliament House during the next five years, the Countrymen were determined to put an end to the system of English government of Scotland, which, they held, had degraded its sovereignty and increased its poverty. Their battle-cry had been, during the past three years of strife, "Respect for the liberty, honour, and sovereignty of Scotland!" Their policy was to force England to grant real self-government and participation in colonial trade; or to accept the alternative of separation. They were unionists in principle; but the union they contemplated was a union which should assure real autonomy to Scotland, with equal trade privileges. In their view, the union of the crowns had produced nothing but loss to Scotland: it had deprived her of her king and her status in Europe, had subordinated her interests to those of England, had filled the country with strife and bloodshed, and, even under a sovereign of revolution principles, could be tolerated no longer. These angry patriots will know nothing of a union that will deprive Scotland of an iota of its sovereignty. If they are resolute to extort freedom of trade, they are none the less determined to maintain its Parliament and its national institutions; and, led by Fletcher, Belhaven, Hamilton, and others, they will fight desperately on the floor of Parliament House, to enforce their demand of a federal, in place of an incorporating Union.

The third party, that of the Jacobites, was at one with the Countrymen in its resistance to the Government, and

* *Carstares State Papers*, p. 627.

in its demand for free trade. They were all the more emphatic in their demand for emancipation from the thraldom of English statecraft, inasmuch as the monarch and the Government of England were the products of revolution principles. They were the most resolute of all the opponents of compromise, without the fullest guarantee of the recognition of Scottish independence. It would be difficult to exaggerate the patriotic language of a Lockhart. His methods of intrigue may be questionable; his honesty of conviction is unimpeachable. But, in doing battle for the honour of Scotland in the ranks of the Countrymen, the Jacobites had ulterior objects in view, which did not enter into the calculations of their Presbyterian allies,—to which, in fact, the latter were opposed with all the fervour of intense religious and political conviction. The Jacobite ardently desired independence of English control, for the purpose of facilitating, as he fondly hoped, the restoration of the sovereign to whom he gave his secret allegiance. On his lips the sovereignty of Scotland was, in reality, equivalent to the sovereignty of his majesty at St. Germain's. The Jacobite was in truth delighted, in his inmost soul, at the tension between the two countries: it afforded a handle for intrigue, not merely against the regal union, but against the Revolution settlement, of which he was not slow to avail himself. At the time that William was delivering his dying injunction in favour of union, Scottish public opinion was being skilfully manipulated, for their own ends, by men who were in secret correspondence with St. Germains and Versailles.* They joined in the national shout of indignation from a feeling that the country had been dishonoured, and unconstitutionally treated. But behind their discontent and their anger, lay additional and equally powerful motives of attachment to an exiled dynasty, whose restoration was the main fact of their policy. Some of

* So Defoe and Burnet; *cf. Carstares Papers*, pp. 578-627.

the more powerful of the Scottish nobility were involved in this seditious exchange of letters; and even the duke of Hamilton, the recognised head of the Countrymen, was, not without justification, looked up to by the Jacobites as a leader, only second in influence to the earl of Home. These secret aspirations will subsequently come into the light in connection with the intrigues so skilfully carried on between Edinburgh and Paris by the redoubtable Colonel Hooke. Meanwhile, it is of the utmost importance to keep in mind the fact of this double Jacobite policy.* It explains, in part, the strange unanimity of Presbyterian and Episcopalian throughout the vicissitudes of the Union struggle. On the part of the Jacobites, this unanimity was the result of a mixture of patriotism and policy. Their reasonings were specious enough. They strove to persuade the Countrymen that the House of Commons would never yield the demand of free trade; and that if it did so, it would be under conditions that no patriotic Scotsman could accept. Their true policy was, therefore, to vote against the Hanoverian succession, and, better still, for separation! † We shall have abundant occasion to follow more closely this tortuous policy, in portraying the attitude of the Jacobites in the parliamentary debates and popular movements of the next few years.

The Government left no stone unturned during the elections to increase its supporters. The ovation, which had greeted the exit of the duke of Hamilton from the Rump Parliament, showed that popular sympathy was on the side of the Countrymen. Queensberry and his colleagues felt that they had placed themselves in an invidious light, in the view of the electors, in resisting the demand for an immediate appeal to the country. They exerted themselves to the utmost to secure a majority. Seafield

* The fact was noted by Marchmont (*Papers*, III., p. 146), in a letter to King William, of date, December, 1697.

† See *Mémoires sur les Affaires d'Ecosse*, at this period, presented by Col. Hooke to the French Government, *Correspondence*, I., pp. 1-31, etc.

hurried down from London to influence the electoral struggle. By assurances of the queen's favour he succeeded in bringing over a number of the Jacobites to vote for Government candidates. The Privy Council, he promised, would issue an Act of indemnity to all who had been guilty of sedition during the former reign. Toleration for the Episcopal clergy, and a share in the shaping of the measures of Government, were held out as additional baits to catch Jacobite votes. Lockhart bewailed the blind compliance of some of his fellow-cavaliers, who secured the election of several Presbyterians in their district, and even, in some cases, voted against candidates of their own persuasion, in reliance on Seafield's assurances. But his artifices failed to seduce the suffrages of the patriots. The distinctive feature of the majority in the new Parliament was an intense spirit of nationalism. Queensberry and Seafield were to discover in the presence of the numerous phalanx of Countrymen, reinforced by the Jacobite contingent,—ere long fated to realise that the Government was unwilling or unable to keep its promises, —that they had wooed the suffrages of the electors to little purpose, in the expectation of securing a maximum of sorely needed supplies, at the cost of a minimum of discussion of burning questions.*

* "The duke of Queensberry," says Burnet, "was sent down the queen's commissioner to the Parliament. This influenced all those who had formerly opposed him; they resolved to oppose him still in everything, and the greater part of the Jacobites joined with them, but some of them were bought off, as was said, by him."—*History*, p. 736.

CHAPTER IV.

THE NEW PARLIAMENT AND THE ACT OF SECURITY (1703).

THE first Session of the new Parliament was opened on the 6th May, 1703, by the duke of Queensberry, with all the display of magnificent haberdashery which, on such occasions, dazzled the eyes of the good citizens of the old Scottish capital. The picturesque procession, or "ryding," that passed up the Canongate and High Street to the Parliament House, in all the trappings of mediæval pomp, afforded a highly-coloured illustration of the old Scottish Parliamentary constitution. In front rode the members of the royal burghs, sixty-three in number, dressed in black velvet, and attended each by a single lackey.* Next came the barons, or representatives of the shires, to the number of seventy-seven, somewhat more conspicuously attired, and attended each by two lackeys. Next, the various grades of the nobility, or hereditary members, the splendour of their attire and the number of their attendants increasing, according to rank, up to the magnificence of my lord duke, who was arrayed in gorgeous robes, and attended by eight gaudily-dressed lackeys. Then came the lord Lyon and pursuivants, resplendent in jewelled finery, bearing the emblems of monarchy—the crown, the sceptre, and sword of state—and heralded by a blast of trumpets. The royal commissioner, accompanied by a brilliant group of cavaliers, went

* John Clerk of Penicuik, who was member for the burgh of Whithorn, informs us in his *Memoirs* (p. 46) that he was "mounted on a grey pad, belonging to the duke of Queensberry, and equipt with black velvet accoutrements, as all the representatives of the royal burrows were".

last, according to the feudal etiquette, which increased the rank of the procession from the front backwards.* This florid display of silk, and ermine, and velvet, in which the constitution picturesquely embodied itself, might have done credit to the grandest capital of Europe. "The lords, barons, and representatives for the royal burrows," says the far-travelled Clerk, "made a very grand appearance, and such as I never saw the like in any foreign place." It was at all times a popular spectacle to the crowd behind the line of regulars and city guards that kept the route. As an embodiment of the constitution, it appealed to the patriotism of the onlookers. Moreover, on this occasion, it appealed in a marked degree to the sense of political partisanship. Haberdashery apart, there was the intensity of political feeling, in the expectation of a great constitutional struggle, which transforms a conventional state show into an important historical event. Well-known statesmen, who have played a conspicuous part in the stirring history of the last twenty years, are scrutinised with reference to the views they represent, rather than the finery of their rank. Some of them have inscribed their memories so deeply in the history of the Union, that they deserve a passing notice from posterity as well. Mark, then, the chief figures of that imposing cavalcade, which was received at the opening of the Parliament Close by the lord high constable, and conducted by the lord marischal into that historic hall, which to-day serves as the noble ante-room of the Court of Session.†

The duke of Queensberry, as commissioner, is described

* See an Act of the Privy Council establishing the order of the "ryding" of Parliament, July 25, 1681. This, and a number of others referring to the subject, are given in the *Maitland Miscellany*, III., pp. 99-137. One directs that every member of Parliament must go on horseback; another, that the higher degree and the most honourable of that degree is always to ride last.

† The names of the members of this Parliament may be seen in Foster's *Members of the Parliament of Scotland;* and in the *Acts of Parliament*, XI.

by a contemporary as of "genteel address, much the manner of a man of quality, of easy access, thin, of a black complexion, turned of forty-five years old".* "A very friendly, affable man," is the dictum of another contemporary, "a compleat courtier; and partly by art, partly by nature, he had brought himself into the habite of saying civil and oblidging things to everybody."† He had shown himself so staunch a supporter of the Revolution, that he passed among the Jacobites by the epithet of the "proto-rebel". His enemies ascribed his change of allegiance, from King James to King William, to the unsteady character that made him accessible to the influence of others. This "easy, lazy temper," which disgusted the Jacobites, proved to be compatible with firmness of purpose, when he was called on to steer the ship of Union over the billows of Scottish party passion. We have already made his acquaintance at Westminster as the staunch, yet patriotic advocate of the policy of union. He was, owing to his attitude on the Darien controversy, perhaps the best hated man in Scotland. He was particularly obnoxious to the Jacobites; and the part he was to play in opposition to their tactics, in the new Parliament, exposed him to the bitter criticism of anti-unionists of the stamp of Lockhart. He rails at him as the self-seeking promoter of every scheme for enslaving Scotland. "He was reputed a man of good parts, but wanted application to business; was extremely covetous, and at the same time extremely lavish of his money. For though he got vast sums of money by his publick employments, most of it was squandered away. He was well bred, and had so courteous a behaviour that, what by this and the occasion of doing acts of kindness, by having the chief administration of affairs so long in his hands, he engaged the favour and friendship of very many of all ranks of people, and entirely managed the Revolution party, and such as were willing to prostitute themselves to

* Macky's *Characters of the Nobility of Scotland*, p. 180.
† Clerk's *Memoirs*, p. 38.

serve the Court measures. To outward appearance, and in his ordinary conversation, he was of a gentle and good disposition ; but inwardly a very devil, standing at nothing to advance his own interest and designs. Though his hypocrisy and dissimulation served him very much, yet he became so very well known, that no man, except such as were his nearest friends, and *socy criminis*, gave him any trust; and so little regard had he to his promises and vows, that it was observed and nottour, that if he was at any pains to convince you of his friendship, and by swearing and impricating curses on himself and family, to assure you of his sincerity, then, to be sure, he was doing you underhand all the mischief in his power." * Even Lockhart bears testimony to his ability and his skill in the difficult task, which his position laid upon him, of managing men and parties, and leaves margin enough for doubt as to the wholesale charges he makes against his honour.

Another high personage, who rivets the eye of the spectator, is the duke of Hamilton, a man whom circumstances, rather than character, made the most popular politician of the age. His haughty, penetrating look, proclaims the patrician of royal and ancient lineage. He is not otherwise a remarkable figure, being of "middle stature, well made, of a black, coarse complexion, a brisk look, towards fifty years old".† By no means a popular exterior; but his reputation of antagonism to the late *régime* has amply made up, in the popular view, for such deficiencies. His questionable attitude towards the Revolution had made him the object of suspicion to the Government of King William. He had suffered arrest for alleged conspiracy on behalf of King James. He managed to save his head and his estates, by eschewing politics, and confining his attention largely to economic questions. His patriotism as one of the heartiest supporters to the African Company, and as the champion, in opposition to Queensberry, of its

* *Lockhart Papers*, I., pp. 44-45.

† Macky's *Characters*, p. 178.

interests, in the Scottish Parliament, entitled him to the effusive gratitude of the nation. He was ambitious of playing a part in the government of Scotland, under the new sovereign. He even speculated on the probability of ascending the throne himself, after the queen's decease, in virtue of his royal descent, and his commanding influence. His sympathies were Jacobite, but his Jacobitism was not of that inveterate type that would not sacrifice itself to the welfare of the country. When it comes to be a question of union, or war, we shall find the duke instrumental in leading a section of his party to bow to the inevitable, and accept the former alternative. Lockhart exalts his good qualities in proportion as he depreciates those of Queensberry. "He was master of an heroick and undaunted courage," he assures us; "a clear, ready, and penetrating conception, and knew not what it was to be surprised, having at all times, on all occasions, his wits about him; and though in a parliament he could not express his thoughts in a style altogether eloquent, yet he had so nervous, majestic, and pathetic a method of speaking, and applying what he spoke, that it was always valued and regarded. Never was a man so well qualified to be the head of a party as himself; for he could, with the greatest dexterity, apply himself to and sift through the inclinations of different parties, and so cunningly manage them, that he gained some of all to his; and if once he had entered into a new project (though in doing thereof he was too cautious), did then prosecute his designs with such courage that nothing could either daunt or divert his zeal and forwardness." *

Another man with a history, who justly merits a considerable share of attention, is the handsome and affable earl of Seafield. Though his familiarity and plainness of manner, and the endowment of "a soft tongue," marked him out as a popular idol, he shared at this period, as

* *Papers*, I., pp. 54-56; *cf.* Clerk's *Memoirs*, p. 57.

chancellor and ex-secretary of state, in the obloquy attached to his chief, Queensberry. He had made a reputation as an advocate, and had paid his court so assiduously to King William, that he rose to be lord advocate, and subsequently Scottish secretary. In the latter capacity, he had to face both ways over the Darien business, and paid for the success, with which he managed to keep Parliament from adopting extreme measures, by being placed in the pillory of Jacobite resentment. "He was believed to be of loyal enough principles, but had so mean and selfish a soul that he wanted both resolution and honesty enough to adhere to them, which evidently appeared from his changing sides so often, and cleaving to that party he found rising. . . . He was finely accomplished, a learned lawyer, a just judge, courteous and good-natured; but, withal, so entirely abandoned to serve the Court measures, be what they will, that he seldom or never consulted his own inclinations, but was a blank sheet of paper, which the Court might fill up with what they pleased." *

This obloquy was shared in even greater degree by John Dalrymple, viscount Stair, who, next to Carstares, had exercised the greatest influence on Scottish history during the first half of the late reign. Our Jacobite critic excels even himself in vituperative violence to his memory, but is compelled to admit his versatile gifts. "'Twas he that, to secure his Court interest, in King William's time, contrived, and was the author of, the barbarous murder of Glenco. 'Twas he that first suffered, I should rather say, taught and encouraged, England arbitrarily and avowedly to rule over Scots affairs, invade her freedom, and ruin her trade. 'Twas he that was at the bottom of the Union, and to him in a great measure it owes its success; and so he may be styled the Judas of his country." "False and cruel," is his

* *Lockhart Papers*, I., pp. 52-53.

comment on his character, "covetous and imperious, altogether destitute of the sacred ties of honour, loyalty, justice and gratitude. And lastly, a man of very great parts, else he would never have perpetrated so much wickedness. He had, indeed, a piercing judgment, a lively imagination, a quick apprehension, a faithful memory, a solid reflection, a particular talent of dissimulation and cunning. He was extremely facetious and diverting company in common conversation, and, setting aside politics, good-natured. To these qualifications was likewise added that of eloquence, being so great a master of it, that he expressed himself on all occasions and subjects, with so much life and rhetoric, and that likewise so pointedly and copiously, that there was none in Parliament capable to take up the cudgels with him. . . . These endowments, much improved by long experience and application in business, may justly entitle him to be ranked among the greatest, though likewise among the worst, men in this age." * Dalrymple had cultivated his gift of eloquence at the bar, and under the new *régime*, had been lord advocate and secretary of state, in conjunction with Johnstone of Warriston. It was while occupying this post, that he had schemed to bring about the massacre of Glenco. His memory justly bears the stigma of being the author, as well as the instrument, of an outrage, which he regarded as a necessary and exemplary vindication of the Revolution, against the machinations of Papist Jacobite chiefs. Though his official career had been wrecked by the inquiry into this tragic affair, he retained vast influence, at the English Court, on Scottish affairs. He was the mentor, if not the ostensible leader, of the Unionists. To his eloquence and sagacity in the Parliament about to open, the Union was largely indebted for a triumph, which he was to be deprived of witnessing, by a stroke of apoplexy, several months before its consummation.

* *Papers*, I., pp. 88-94.

Another staunch politician of the Revolution school, who is greeted to-day as the idol of a large party, is Archibald, first duke of Argyle. He is "a good-natured, civil, and modest gentleman," who has scandalised his friends somewhat by the irregularities of his private life. He has remained the omnipotent man of the Presbyterians, all the same, and is much courted by the Government in consequence, as well as for his vast territorial influence as chief of the Campbells. The honours showered on him by a king, whom he had helped to a throne, culminated in the dukedom in 1701. His death, shortly after the opening of Parliament,* left his place to be filled by his son John, who was to increase the reputation of his race in war and politics, by the important *rôle* he played in this Union question, and in the campaigns of Marlborough. Though an anti-Jacobite, he stood well with the cavaliers. Lockhart, for once, is found fairly generous in his estimate of an opponent. "He was extremely forward in effecting what he aimed at and designed, which he owned and promoted above board, being altogether free of the least share of dissimulation, and his word so sacred that one might assuredly depend on it. His head ran more upon the camp than the Court, and it would appear nature had dressed him up accordingly, being altogether incapable of the servile dependence and flattering insinuations requisite in the last, and endowed with that cheerful, lively temper and personal valour, esteemed and necessary in the other. In Scotland he affected, and gained, the leading of the Presbyterians, as his father had done before him, and was upon that, and other accounts, a very significant man." †

The marquess of Athole, another representative of the higher nobility, who had filled a prominent place in Scottish history during the previous half-century, was

* He died on the 28th September, 1703. *Life of John, Duke of Argyle*, by R. Campbell, p. 32.

† *Papers*, I., pp. 109-110.

also about to vacate the stormy arena of Scottish politics to make room for his son, the lord privy seal and first duke. This honour was the reward of a series of services which, as earl of Tullibardine, he had rendered, in a number of important posts, to the revolutionary Government. His compliance stopped short of the Union, however, but his opposition proceeded partly from dislike to the duke of Queensberry. We shall find him, indeed, affecting, as Hamilton's rival, the leadership of the anti-Unionists. His opposition to this measure was to drive him to lend his active support to the proposal to resist it by force of arms. Before the controversy had run its course, he was to incur the not unfounded charge of turning his ambitious mind towards the cause of the Pretender. He enjoys the reputation of being "of a very proud, fiery, partial disposition, not wanting sense, but choaking himself with passion, which he is easily wound up to when he speaks in public assemblies, where his quality always makes him heard".* He is one of the most choleric of the many choleric grandees that defile into the Parliament House, and more than once his "tall, awkward figure" was to startle his fellow-legislators, as the Boanerges of the new Parliament.

The earl of Marchmont, the ex-chancellor, whose name is on every lip, has grown grey in the service of his country, though his popularity has suffered a blight, these five years past, as a member of the Queensberry Government. He had earned his title by his devotion to the cause of the Revolution. The accession of King William retrieved the wretched fortune, which had twice driven him into exile, to expiate his share in the Ryehouse Plot, and in Argyle's ill-fated expedition in support of the duke of Monmouth. He had rapidly risen to high office, until he became chancellor and earl of Marchmont. His zeal had given a striking instance of its sincerity in the Rump Parliament, in which

* Macky's *Characters*, p. 184; *cf. Lockhart Papers*, I., pp. 72-74.

he proposed the oath of abjuration. The deadlock which ensued aroused the ill-will of Queensberry, and cost him the chancellorship. That he did not sacrifice his interest in the country's welfare to his resentment, is evident from the vigorous part, which the worn-out septuagenarian was to play in the battle for the Union. To an observant contemporary he appears "a fine gentleman, of clear parts, but always a lover of set speeches, who could hardly give advice to a private friend without them; zealous for the Presbyterian government in the Church, and its divine right, which was the great motive that encouraged him against the Crown".*

Like Marchmont, viscount Tarbat, "a tall, fair-complexioned, handsome man, now past seventy years old," † is the representative of a generation of statesmen that have gained experience in the checkered history of the past half-century. Unlike Marchmont, however, he has signalised his political career by the suppleness of his opinions. He had managed to fit his conscience to what happened to be proper under four reigns. He courted William and Anne as he had courted Charles and James, and professed staunch attachment to a Revolution which, as one of the instruments of an arbitrary king, he had contributed to excite. The accession of Anne at last enabled him to realise his ambition of becoming one of the Scottish secretaries of state, and put him in the way of playing a considerable part, in support of the Union, during the next five years. He was tolerably consistent in his attitude on this question.‡ This ought to redound greatly to his credit,

* Macky's *Characters*, p. 217; *cf.* the Preface to Vol. I. of the *Marchmont Papers*.

† Macky's *Characters*, p. 188.

‡ Cromartie's estimate of his conduct during his public career was eminently satisfactory. "I have now served the Crown above 54 years," he tells the queen, on resigning his post of secretary in 1704, "and in that tyme I never plunged into any faction, nor ever changed my principles, which kept me poor, when others, by other methods, have doubled their estates."—*Crom. Cor.*, I., 150.

since he had the reputation of being the most "fickle, unsteady man in the world; having sworn all the contradictory oaths, and complyd with all the opposite Governments, that had been on foot since the year 1648".* He was largely instrumental in procuring the Act of Indemnity for his Jacobite associates of former days, and consideration for the Episcopal clergy. But "no sooner did Queen Anne desert the Tory party and measures, but his lordship turned as great a Whig as the best of them, joined with Tweeddale's party to advance the Hanoverian succession in the Parliament of 1704, and was at last a zealous stickler and writer in favour of the Union. He was withal so extremely maggoty and unsettled, that he was never to be much relied on or valued; yet he made a great interest in the Parliament with many of the Northern members." This political interest was catered for by the offer of the title of earl of Cromartie, which was conferred on him before the Parliament had sat long. Besides being a politician of the first mark, he made some figure in literature of a pious stamp. His piety did not spoil his humour, for he was reputed one of the wittiest and pleasantest *habitués* of the taverns.

In lord Belhaven Parliament possessed a man of exceptional power, though he occupied no outstanding official post. This misfortune, it seems, has tended to make him "angry with the administration of all reigns". Though outside officialdom, he has been an active statesman and patriot, especially in the crusade on behalf of Scotland's rights since the Darien calamity. He possesses some of the chief qualities that fit a man to shine in a great popular contest—passion, eloquence, and decision. He hides under that manly, swarthy exterior, indeed, a most dogmatic manner of looking at things. Master of many branches of knowledge, he loves to parade it in those "long, premeditated harangues, wherein, having a prodigious memory,

* *Lockhart Papers*, I., pp. 74-75.

he used to be very full in citing those passages of history as made for what he advanced ".* He even "hath the vanity to print them," † and some of his speeches remain, along with a few of Fletcher's of Saltoun, among the most interesting memorials of the anti-Unionist orators. The severe rectitude of their tone reveals the man of high principle and burning patriotism, Jacobite detraction notwithstanding, and proclaims him the Cato of the Country Party.

Other grandees and state officials in that resplendent assembly made history their debtors in a less degree. Nevertheless, the prelude to that memorable drama, in which they were to play a conspicuous, though less important, part, may not ignore their presence. Prominent among them is the marquess of Annandale, who had just displaced lord Melville, as president of the Council. "His tall, lusty, and well-shaped figure" well becomes the cavalier, who with difficulty saved his head for his share in the Montgomery Plot, on behalf of the exiled dynasty. His allegiance to the new *régime* is questionable, but he is too powerful to be left out of account; and the Government has hitherto patronised him "as the Indians worship the devil—out of fear". He will by-and-by come into greater public notice as one of the staunchest of anti-Unionists. "Hath good sense, with a manly expression, but not much to be trusted," ‡ is the reputation with which his somewhat equivocal precedents have invested him. The marquess of Tweeddale is "a short, brown man, towards sixty years old; hot when piqued, a great promoter and encourager of trade, and the welfare of his country". § He was not naturally cut out for a leader in a most irrepressible assembly;—"the least ill-meaning man of his party, either through inclination or capacity," ‖ is Lockhart's

* *Lockhart Papers*, I., p. 113.

† Macky's *Characters*, p. 236.

‡ *Ibid.*, p. 185.

§ *Ibid.*, p. 186.

‖ *Papers*, I., p. 97; *cf.* Clerk's *Memoirs*, p. 48. "The marquess of Tweeddale, a very good man, but not perfectly qualified for Court intrigues."

rather malicious judgment. Yet he succeeded in begetting the confidence of a number of cautious, moderate men, who were to form the conciliatory party of the Squadrone Volante. To its prudent action in supporting the Unionists, at a critical stage of the struggle, the victory of the Union was largely due. The earl of Roxburgh, ultimately to be made a duke, is destined to become one of the pillars of this party, and at this period enjoys the reputation of being "a young gentleman of great learning and virtue, who knows all the antient languages thoroughly, and speaks most of the modern perfectly well, without pedantry".* He is, in fact, reputed "the best accomplished young man of quality in Europe," † with an irresistible charm of address, which softens the stoic captiousness of even a Lockhart. In his own warped fashion, he regrets that one so engaging and disingenuous should have proved "the very bane and cut-throat of his country". Another potent nobleman is the earl of Melville, who has no claim to notice on grounds of personal appearance, being "low, thin, with a great head, a long chin, and little eyes".‡ But he has already filled the posts of secretary and commissioner, and was, and still is, of great repute with the Presbyterians. The earl of Leven, another prominent Unionist, earned from Lockhart the encomium of being "of all persons concerned in the Government, without doubt, among the best". That his abilities obtained recognition from the same quarter, is no small credit. As an extraordinary lord of session, he had acquired a reputation for legal learning, and distinguished himself equally as a scrupulously just judge, and a busy, penetrating politician. The earl of Mar is conspicuous among the satellites of Queensberry, being much in need of some post with a substantial salary, to enable him to pay his debts. He "is a very bad, though a very frequent, speaker in Parlia-

* Macky's *Characters*, p. 191.
† *Lockhart Papers*, I., p. 95.
‡ Macky's *Characters*, p. 203.

ment," but an adept in party tactics, "in which it was hard to find him out when he aimed to be incognito".* Lord Boyle, "a fat, fair man, about forty years old," presently to be exalted to the dignity of earl of Glasgow, has swung himself up the ladder of nobility by his influence with Queensberry, whose evil genius the Jacobites believe him to be. The earl of Aberdeen, who, as Sir George Gordon of Haddo, had won his spurs as a lawyer of consummate knowledge, and risen to be president of the Court of Session in King Charles the Second's time, and subsequently lord chancellor, has somehow come to be regarded as "the solidest statesman in Scotland".† The treasurer depute, lord Blantyre, is the fussy legislator who has the wonderful knack of making up a party, but never has the luck to win the prizes of administration. Other men thrive on his abilities, for "he can start the hare, but hath no other part in the chase".‡ Cockburn of Ormiston, lord justice clerk, Maxwell of Pollock, and Johnstone of Warriston, the ex-secretary, who still lingers in London in the hope of regaining his post, agree in being staunch, honest Presbyterians, at the expense of charity towards the Episcopalians, and sound on the Union question. The legal profession has likewise reason to be proud of three other highly reputable representatives,—Sir Hugh Dalrymple, president of the Court of session, "one of the compleatest lawyers of Scotland, and a very eloquent orator";§ Sir James Stuart, the lord advocate, "one of the greatest civilians of the age, or of any age";‖ and Murray of Philiphaugh, lord of session, as well as lord register, "a gentleman of clear, natural parts".¶

One man stands apart from the crowd of titled and untitled legislators that this day confers resplendence on the

* *Lockhart Papers*, I., p. 114.
† *Ibid.*, p. 215.
‡ *Ibid.*, p. 233.
§ Macky's *Characters*, p. 211.
‖ *Ibid.*, p. 208.
¶ *Ibid.*, p. 234.

quaint, but somewhat dingy, Parliament House. In the view of posterity, at least, he is supreme in the great qualities that entitle him to be one of the most remarkable of remarkable Scotsmen. Andrew Fletcher of Saltoun, the member for Haddington, is emphatically a man of genius, and towers in intellectual and moral strength far above the ordinary level of the political leader, or party satellite, of his time. His earlier history* teems with the element of adventure. He had enjoyed the advantage of intercourse with Burnet, when the future bishop of Salisbury was parish minister of Saltoun. He had thrown himself into political life as the uncompromising opponent of the tyrannical government of Lauderdale and his successor, the duke of York. This fearless assertion of his country's liberties resulted in his exile to the Netherlands, towards the end of the reign of Charles II. His aversion of monarchical despotism was thus born of the bitter experiences which chafed his high spirit and keen temper, and kept alive by the memories of wrongs, which he had only shared with his down-trodden country. In Holland, he was one of the most active supporters of Monmouth's ill-contrived attempt to wrest the crown out of the grasp of the tyrant. He went the length of accompanying the expedition to England. An episode, in which his violent temper resented with the sword the insolence of an obstreperous official, happily induced him to withdraw, before that *fiasco* ended so disastrously on the field of Sedgemoor. He went on board a ship bound for Bilbao, and spent the next few years wandering in Spain, and satisfying his learned curiosity in the libraries of the Spanish monasteries. His next field of adventure was Hungary, where he drew his sword against the Turks. His extensive wanderings made him acquainted with the condition of the European peoples, and enabled him to draw from the stores of wide observation many a trenchant argument against the abuses of kingly government.

* For the principal facts of his early life, see an article in the *Scottish Review*, Vol. XXII., by Mr. J. R. Macdonald.

The Revolution opened a career to him in his native land; and he began at Edinburgh and in his beautiful Haddingtonshire retreat that crusade, as patriotic politician and social reformer, whose main ideas he has preserved in his inimitable speeches and essays.* He is described at this period as a "low, thin man, of brown complexion, full of fire, with a stern, sour look, and fifty years old".† The disasters which overwhelmed the patriotic attempt to retrieve the prosperity of Scotland, of which he was one of the most enthusiastic and confident champions, inflamed his patriotism. It afforded him a text from which to enforce the claims of self-government and to enlarge on his schemes of social and economic reform. He strove to raise the art of government out of the mire of party contention and personal ambition, into the purer atmosphere of an unselfish patriotism. He laid stress on the fact of a moral standard of government and legislation, and dealt passionate blows against the system of monarchic autocracy and official servility and selfishness, which he denounced as the chief obstacles to the freedom and development of peoples. All the more generous and enthusiastic spirits rallied to his cry, and owned him as their prophet. With their aid he laboured to discredit corruption in the State and in society, and waged a hot warfare in the clubs against the more utilitarian and practical views on politics of men of less ideal fibre. He startled them with his radical application of the principles of the Revolution to the detriment of kings, standing armies, ecclesiastical monopolies, and mere party advantage. He is one of the rare men who rise above the shibboleths of their age, who stand apart in "the sublimity" of their ideas,‡ who refuse to bow to the Moloch of custom,

* *Political Works of Andrew Fletcher, Esq.*, 1733.

† Macky's *Characters*, p. 223.

‡ "Fletcher of Saltoun, whose mind was inflamed by love of the public good, and all of whose ideas had a sublimity in them."—Dalrymple's *Memoirs*, p. 95.

and who look straight into the heart of things. Practical men concluded him an opinionated idealist.* He has certainly got opinions and ideals of his own, and is fierce and intolerant in their expression and defence. He is described by a contemporary as being "enheaded with the idea of a republic," and derives his arguments in favour of the supremacy of Parliament from the fertile depository of his country's sufferings, under despotic monarchy. Posterity has endorsed many, if not all, of his contentions in favour of a parliamentary republic, of which the sovereign, if he is to be retained, is merely the highest official.

It cannot be expected that even a Fletcher can anticipate modern democracy. His ideal is still the republic in which the aristocratic landowner of his own class—the unselfish, uncorrupted, benevolent landowner, let us admit—is the controlling power. Nevertheless, it is the republic in which government exists for the good of the nation, and not for the aggrandisement of unscrupulous, ambitious men, be they ministers or party leaders. This is the bane of the public life of that age—more, perhaps, than in more settled times. Men were tempted by the warring claims of a keenly disputed succession to weigh the chances of successful partisanship and intrigue, rather than consider the demands of duty and patriotism. Jacobite, Whig, Tory, are alike egoists and petty schemers, more or less. With the conventional politician of the age, the question is: Shall I get most from King James, or King William? At which auction may I best sell my principles? is the consideration which has, with some exceptions, been ruminated by these bulky statesmen, who dazzle the crowd with their haberdashery this day. Andrew Fletcher's republic is an impassioned protest against

* "A man of republican principles," says Clerk, "a very honest man, and meant well in everything he said and did, except in cases where his humure, passion, or prejudice were suffered to get the better of his reason." —*Memoirs*, p. 49.

this sordid worship of self, and wretched servility to rival kings, or to any king. It may be somewhat Utopian,* its rulers may consist of inexperienced young men of twenty-five, as was contemptuously objected by statesmen, grown old in the less ideal realities of statecraft. But it is a republic which damns corruption, and glorifies liberty, and it is as the exponent of this uncorrupted liberty that we admire our fierce Utopian, as he grasps his keen and mighty sword, to do battle in the forefront of the Country Party in Parliament.

Republican and idealist as he was, even those who cherished opinions, wide as the poles from his, on the subject of the monarchy, could not resist the spell of his uprightness and sincerity. Our Jacobite fanatic is effusive in his praises. "Being elected a Parliament man in the year 1703," says Lockhart, "he shewed a sincere and honest inclination towards the honour and interests of his country. The thoughts of England domineering over Scotland was what his generous soul could not away with. The indignities and oppressions Scotland lay under gauled him to the heart. So that in his learned and elaborate discourses, he exposed them with undaunted courage and pathetical eloquence. He was blessed with a soul that hated and despised whatever was mean and unbecoming a gentleman, and was so steadfast to whatever he thought right, that no hazard, nor advantage, no, not the universal empire, nor the gold of America, could tempt him to yield or desert it. And I may affirm that in all his life he never once pursued a measure with the prospect of any by-end to himself, no further than he judged it for the common benefit and advantage of his country." †

* It was said of him that it would be easy to hang him by his own schemes of government, for if they had been realised, he would have been the first to attempt their alteration. See Clerk's MS. notes on Lockhart's *Memoirs*, quoted by Somerville, *History of the Reign of Queen Anne*, pp. 71, 156. Somerville had access to some of Clerk's papers, bearing on the history of this time, now unfortunately lost.

† *Papers*, I., pp. 75-77.

The eulogist of Fletcher, and the detractor of so many of his political opponents, is entitled to a passing notice, both as a politician, and as historian of this stirring period. He has left a monument of himself, as the bitterest of Jacobite partisans, in his *Memoirs concerning the Affairs of Scotland, from Queen Anne's Accession to the Throne, to the Commencement of the Union of the two Kingdoms of Scotland and England.* It is steeped in the gall of party disappointment. He was doubtless possessed of a sincerity of conviction in his own splenetic fashion. But he was too biassed an adherent of the Pretender to be a fair opponent of the Union. To him, as to all the intriguing Jacobites of his stamp, this question was a means to the great end of the restoration of the exiled dynasty. In his book, he speaks with exceptional frankness of the double part acted by himself and his party, and has thus in some respects proved a worse enemy to his reputation than any of his contemporary detractors. The colour of party passion which he imparts to it, while minimising its trustworthiness, contributes to the vivid delineation of a dramatic subject. Fierce, prejudiced, and resentful, it is both the index of a narrow character, and the mirror of an age of political intrigue and partisanship, of which it would be difficult to find the equal.

One fact is self-evident on the most casual glance at the temper of the Assembly, whose leading spirits we have attempted to portray. There is no chance of filching supply, and outwitting a troublesome opposition by an adjournment. The majority is in a very sulphurous mood, and the attempt of the commissioner and the chancellor to divide it, renewed in the interval after the elections, is doomed to miscarry in the course of the opening sittings. The earl of Home, as leader of the Jacobites, had agreed, in return for certain concessions promised by Queensberry, to move a vote of supply at an early stage. But the compact aroused opposition among the staunch adherents of Revolution principles in the ranks of the Court

Party itself. Argyle and Marchmont informed the hapless commissioner that they were resolved to bring in an Act to ratify the Revolution settlement, previous to the consideration of supply. Queensberry remonstrated, and entreated them to remember that the present favourable opportunity would be lost by delay. Argyle and Marchmont would hear nothing of a measure, that was to be gained at the cost of truckling to Jacobite demands. His intrigues with faction, they contended, would only result in making the duke of Hamilton "chief ruler of the roast". The commissioner was stung by this argument into acquiescence, and abandoning the Jacobite alliance, turned with a heavy heart to face the fiery phalanx of the Country Party, combined with the disappointed Cavaliers.*

The royal letter† was profuse in its exhortations to prudence and unanimity in the consideration of the measures necessary for the security of the kingdom, and the encouragement of trade, which it earnestly recommended as the subjects of deliberation to the House. It warned against the danger of differences and animosities in retarding useful legislation. Of the burning question of better terms of union, there was not a syllable. Both the queen, and her English and Scottish advisers, had evidently mistaken the temper of Parliament, if they expected that the royal exhortation would command attention in an assembly, smarting under the sense of injustice. On the 19th May, an Act recognising her majesty's authority was voted without demur. Thereupon the earl of Home, in pursuance of his agreement with Queensberry, presented the draft of an Act of Supply. It was met by a counter motion, by the marquess of Tweeddale, "that before all other business, Parliament might proceed to make such conditions of government and regulations in the constitution of this kingdom, to take place after the decease of her majestie and the heirs of her

* Lockhart's *Memoirs*, pp. 34, 40-43.

† *Acts of Parliament*, XI., pp. 36-37.

body, as shall be necessary for the preservation of our religion and liberty".* The House, immersed in the labour of deciding a number of controverted elections, delayed till the 26th, engaging in the battle as between supply, and redress of grievances, in the terms of Tweeddale's motion. During the sitting of that day the bonds of self-restraint burst, and the House precipitated itself into the whirlpool of fierce contentions. Queensberry strove to wean it into submission to the Government tactics, to obtain supply, by the promise to devote ample time later on to the subjects of religion and liberty. The supporters of the motion gave the commissioner the credit of sincere intentions. But what, they asked, if contrary orders should be sent down from London? Was it not a fact that my lord treasurer of England was consulted in Scottish affairs, and exercised his omnipotent authority in directing the government of Scotland? "The treasurer," exclaimed Hamilton, "is a very worthy person, and may not intend to advise her majesty ill, but still Englishmen will consult the interests of their own country before ours."† Fletcher threw himself with congenial impetuosity into the fray on the side of the motion. He contended that it was the duty of Parliament to make laws for the prosperity and security of the country, and thus guard against the dangers to which it was exposed, before agreeing to impose new burdens. He declaimed against the practice of seeming to buy good laws of the crown, and bribing the sovereign to fulfil the obligations of the coronation oath. "We have often had promises of good laws, and when we have given the sums demanded, these promises have been broken, and the nation left to seek a remedy which is not to be found, unless we obtain the law we

* *Acts of Parliament*, XI., p. 41. In addition to the *Acts of Parliament*, Hume of Crossrig's *Diary*, and Fletcher's *Discourses*, etc., the author has made use of *The Proceedings of the Parliament of Scotland which met at Edinburgh, 6th May*, 1703, incorporated in Tindal's *Continuation of Rapin*.

† Hume of Crossrig's *Diary*, p. 100.

want before we give a supply. And if this be a sufficient reason at all times to postpone a money Act, can we be blamed for doing so at this time, when the duty we owe to our country indispensably obliges us to provide for the common safety in case of an event, altogether out of our power, and which must necessarily dissolve the Government, unless we continue and secure it by new laws? I mean the death of her majesty, which God in His mercy long avert! I move, therefore, that the House would take into consideration what Acts are necessary to secure our religion, liberty, and trade, in case of the said event, before any Act of Supply or other business whatever be brought into deliberation." *

Queensberry, Stair, and others fought hard till the evening shadows had enveloped the excited assembly in gloom to turn the point of such arguments, in the hope that the Jacobites would come to the rescue. They succeeded, after sitting out "long, and tedious, and nauseous repetitions in debate," † in adjourning the discussion for two days; but next morning two of the Cavaliers, deputed by a meeting of their party, came to inform his grace that they were resolved to leave him and support the general resolve. ‡ The effect of their desertion was visible at the next sederunt, on the 28th May, in the collapse of the champions of supply. The chancellor intimated acceptance of the resolve without a vote; and the weighty subject of the security of religion, liberty, and trade was declared to have precedence over the vote of supply, or any other business. §

* Fletcher's *Political Works*, p. 268.

† Hume's *Diary*, p. 101.

‡ "Both Cavaliers and Presbyterians," wrote Stair to Godolphin, "did enter into a resolution not to give cess, nor proceed to any business, till first our religion, liberty, laws, and trade were secured. We did struggle a whole day against a resolve in so general terms, but next morning two of the Cavaliers were sent from their meeting to tell my lord commissioner that they would leave him and enter into the general resolve."

§ *Acts of Parliament*, XI., p. 45.

This knotty point settled, one patriot after another stepped into the arena with motions for Acts, intended to consolidate, or reform the constitution. The marquess of Athole offered an Act for the security of the kingdom in case of her majesty's decease. The duke of Argyle proposed to ratify anew the Claim of Right; Fletcher, to confer on Parliament the right to nominate all state officials; the earl of Rothes, to make the declaration of war, or the conclusion of peace, dependent on the consent of the Estates; and Marchmont, to ratify the laws anent the Protestant religion and the Presbyterian Church government. Marchmont's motion obtained immediate consideration, and was approved on the 3rd June, notwithstanding the strenuous obstruction of the Jacobites, who, in the person of the earl of Strathmore, demanded an Act of Toleration.* Fletcher, ever in advance of his time, made an appeal, on enlightened grounds, for an Act of Comprehension. He failed to convince a generation which deferred to the representation of the General Assembly, "that to enact a toleration for those of that way (considering the present case and circumstances of the nation) would be to establish iniquity by a law, and bring on the promoters thereof and their families the dreadful guilt and pernicious effects that may thereupon ensue". The prejudices of the Presbyterians were too dogmatic, the atmosphere of Parliament House too surcharged with anti-English memories, to admit of compromise with an ecclesiastical system, associated with English domination and sectarian oppression.

The Act confirming the Claim of Right, and declaring any attempt to impugn, or alter it high treason, was, much to the dismay of the Jacobites, who maintained a spirited but fruitless opposition, passed on the 7th June. The House then proceeded to the consideration of the Act of Security, relating to the meeting, composition, and powers of the Estates, in the event of the queen's death, without

* Hume's *Diary*, pp. 102-3; *Acts of Parliament*, XI., pp. 46-47.

bodily heirs. It afforded ample material for the exercise of the eloquence and the passions of a stormy Session. The discussion was interspersed with a multitude of propositions connected with points of procedure, suggested by the fertile brains and the consuming zeal of patriots like Fletcher, and contributing to render many a sitting both intricate and lively. The reader will no doubt thank the considerate author for keeping these discursive legislators to their text, as far as is possible in the labyrinth of motions and countermotions, diversified by the ever-recurring outbursts of passionate remonstrance or invective, which the inquirer is called on to tread. The first question, whether the Estates should meet, in the contingency of the queen's death without heirs, occasioned little debate, the necessity of such a step being self-evident. Scottish history, as lord Fountainhall reminded the House, furnished, among other precedents, the example of the meeting of what was regarded as a Parliament, on the death of Alexander III., to nominate the Maid of Norway to the vacant throne. The retrospect to that unhappy period evidently wrought on the imagination of lord Belhaven, who entered into a long digression on the subject of the wrongs suffered by Scotland at the hands of her encroaching neighbour, and improved the opportunity to review the many instances of English interference in more recent times.* From this touchy subject the House returned, without accident, to decree the time of meeting to be twenty days after her majesty's death, and to exchange blows over the Act of 1681, establishing the succession in the next blood in the royal line, of whatever religion. This Act, it was contended, might clash with the right of the Estates to nominate the sovereign, although it had been rescinded in the fifth Session of the last Parliament. The lord advocate proposed to rescind it anew, as far as inconsistent with the Claim of Right and the present settlement,

* See *Parliamentary History of England*, VI., App., 31-40.

made in King William's time. To accept such a proposal, argued the patriots, would virtually mean to decide the question of the succession in favour of the house of Hanover, which is the nearest claimant on the Protestant side. This was, in fact, the object of the proposer and the friends of the Hanoverian succession, who held that, a Popish successor being excluded, the only heir was the Electress Sophia. The Jacobites were strenuous opponents of rescission, as affording them a handle to dispute the claims of the Electress, while the duke of Hamilton, and the Country Party, supported rescission *in toto*, as the surest means of thwarting the pretensions of both Hanoverians and Jacobites. The debate had an important significance, apart from the contentions of scheming factions, inasmuch as it brought out the fact of dissension in the Government itself. Athole, Tarbat, and the lord justice clerk spoke against the motion, which was supported by the rest of their colleagues.* Finally, it was agreed to let the motion to rescind lie on the table in the meantime.

After an interval of three weeks, occupied mostly with the consideration of controverted elections, it was resolved on the 1st July to take up the further consideration of the Act of Security paragraph by paragraph, in preference to Fletcher's demand to consider his scheme of limitations on the successor. A clause excluding Papists from the meeting of Estates was approved forthwith. Another to debar Englishmen having a Scottish title,† but not possessed of an estate in Scotland, from this privilege, occasioned violent friction, before it was carried by seventeen votes, the marquess of Annandale protesting. The House next agreed that the person to be nominated should be a Protestant, in terms of the coronation oath, and of the royal line of Scotland; that the power of nomination should lie with the Estates; and

* See Tindal's *Continuation of Rapin*, XX., p. 263.

† The earl of Marlborough, for example, was a member of the Scottish Parliament under the title of viscount Eyemouth.

that a regency should be appointed, if the successor were under the age of seventeen. Then came the main feature of the whole Act—the feature which lent it the colour of an act of retaliation on the exclusive policy of England in opposing the demand for equal privileges, and of unmitigated defiance of English interference in the government of Scotland. The earl of Roxburgh proposed the addition of the momentous clause, "providing the successor to be named by the meeting of Estates, in the event of her majesty's decease, without heirs of her body, be not the successor to the crown of England, unless that in this Session of Parliament there be such conditions of government settled and enacted as may secure the honour and independency of the crown of this kingdom, the freedom, frequency, and the power of the Parliament, and the religion, liberty, and trade of the nation from the English, or any forraigne influence".* The leaders of the Court Party realised the ominous significance of this clause in the strained condition of international feeling. They saw the displeasure of the queen ready to exact a harsh reckoning on their impotence to ward off the results of so offensive a measure. They saw the resentment of the English people ready to burst in vengeance on the temerity that would hurl defiance beyond the Tweed. They had recourse to obstruction in the first place, and assailed the clause with a variety of somewhat trivial objections and motions. They suggested, in addition to the words, "in this Session of Parliament," the phrase, "or any other Session," in the hope of getting the Parliament prorogued before the condition, of which they were apprehensive, could be adjusted. A score of angry orators denounced an expedient evidently intended "to throw them off to some future Parliament, when they were suggesting such good things with all imaginable despatch in this Parliament," and demanded the immediate acceptance of the clause as it stood. This sort of petty objection

* *Acts of Parliament*, XI., p. 69.

failing, the chancellor took refuge in the expedient of an adjournment, on the pretext of the lateness of the hour. The supporters of the clause were furious at this subterfuge. They invoked the privileges of Parliament and the Claim of Right. They threatened to sit still and continue the debate after the commissioner had withdrawn. They shouted themselves hoarse, until they thought better of it, and retired to Patrick Steel's tavern, to grow still more demonstrative over their cups in their defence of outraged liberty, and to draw up an address to the queen. The following sitting was spent in making a violent onslaught on the luckless chancellor, and in the denunciation of this illegal encroachment on the privileges of the House. Seafield excused himself by a confession that almost amounted to an apology, and at last succeeded in mollifying the anger of his opponents. Finding obstruction impossible, the Government attempted to tone down the obnoxious clause, and offered, in its stead, another, suggested by the lord advocate, enacting that the successor to the crown of England should not be nominated king or queen of Scotland, unless there be granted such a communication of trade, freedom of navigation and of colonial commerce as should be deemed satisfactory by this, or any ensuing Scottish Parliament. Three sittings were consumed in what the chronicler expressively calls "jangling," over the demand that the conditions should be defined and added to the Act, before it was agreed, by seventy votes, to combine the two, with some verbal alterations; the duke of Argyle and the marquess of Annandale and seventeen other members dissenting.

The interval before which the Estates should, after their first meeting, proceed to nominate the successor, subject to these general conditions, was next discussed and decided to be twenty days. A more important question was, who should exercise the Government prior to the meeting of Estates, in the event of Parliament not being in Session at the queen's death. Should the administra-

tion be entrusted to the Privy Council, or such members of Parliament as should happen to be at Edinburgh? The Privy Council, argued the suspicious patriots, might prove the creatures of English influence, and might by the queen's nomination partly consist of Englishmen. The majority declared in favour of Privy Council and Estates combined; at the same time decreeing it high treason to administer the coronation oath but by appointment of the Estates, or "to own or acknowledge any person as king or queen of this realm until they have sworn the oath, and accepted the crown on the terms of the Claim of Right, and the other conditions to be settled in this, or any ensuing Parliament".* Another clause directing that all civil commissions, except those of sheriffs and justices of the peace, should become null and void with her majesty's death, was added from a similar motive of precaution against any attempt to use the powers of constituted authority, in order to evade the limitations of the Act. Then came another, which renewed the trepidation of the Government, as calculated to give bitter offence to England, and which they resisted with a resolute motion for delay. The objectionable clause proposed to empower all heritors (landowners) and burghs to provide forthwith arms for all the fencible men of Protestant creed, within their respective bounds, and to exercise them in military tactics, once a month at least. It secured a large majority, in spite of obstruction, as did likewise an additional clause ordering all heritors to take the oath of allegiance and assurance. Finally, it was agreed to rescind all contrary Acts, with special reference to that of 1681, and at length, on the 13th August, the whole measure was twice read over, and approved by about sixty votes, "and many non-liquets".†

To give the Act validity, the touch of the royal sceptre was necessary. The commissioner could not venture to add the royal sanction to a measure, that boldly pro-

* *Acts of Parliament*, XI., p. 72.

† Hume of Crossrig's *Diary*, p. 126.

claimed a determination to dissolve the regal union. His position was one of harassing difficulty. If he submitted to the demand to touch the obnoxious Act, he must expose himself to the displeasure and anger of the queen and the English Government. If he refused, he would have to reckon with the fury of a majority, that seemed ready to proceed to any extreme in its resolve to vindicate the rights of Scotland. A vote of supply was absolutely necessary for the maintenance of the army; and the House had, at the outset, plainly declared that no supply would be given, should the Act of Security be refused. There were signs, too, of dissension in the Government itself, to aggravate the situation. It was no secret that Seafield, Athole, and Tarbat had quarrelled with their chief, and were in sympathy with the majority.* With an empty treasury staring him in the face, an army on the brink of mutiny, an unbending phalanx of patriots clamouring for satisfaction of their country's wrongs, and, worse still, friction between himself and some of his colleagues, there seemed to the unhappy commissioner no alternative but concession, or confusion, perhaps rebellion. In this frame of mind, he wrote to Godolphin to urge conciliation. "I find," wrote the lord treasurer to his colleague Nottingham, "the duke of Queensberry himself, as well as the others, inclining to wish the queen would pass both (Acts) together, because, he says, that without it neither the troops nor the civil Government can be supported, but all must fall to pieces, and give way to the power of the opposite party there; since, without a new one be granted, the present cess will not be paid." †

Pending an answer to his urgent representations, Parliament proceeded, in angry, defiant mood, to debate further motions to secure the liberty and prosperity of the country, and jealously obstructed every attempt to extract a vote of supply. In their zeal for liberty they attacked the royal prerogative itself. Among the many grievances of which

* *Lockhart Papers*, I., p. 77; *cf.* Burnet's *History*, p. 738.
† *Additional MSS.*, 29,589, f. 82.

Scotsmen had been complaining, these ten years past, was the fact that Scotland had been subjected to onerous burdens to support wars, undertaken by an English king. Scotland had contributed a not inconsidereble share of men and money for the prosecution of a struggle in the interest of England and Holland. It had been ill repaid for its services, as Fletcher had pointed out, by English and Dutch opposition to its great colonial scheme. Its Parliament might with reason maintain that the future sovereign should be forbidden to declare war, or conclude peace, without its express consent. Hence the "Act anent Peace and War," which was debated into shape during the four following sittings, and carried by a large majority. It declared that after her majesty's decease without heirs, no person, being king or queen of England and Scotland, should have the power of making war, or concluding treaties of peace, alliance and commerce, without the consent of Parliament.

This measure afforded special satisfaction to the ardent republican member for Haddington. Fletcher had in his pocket a far-reaching scheme of limitations of the royal authority, which he lost no opportunity of pressing on the acceptance of Parliament. The prerogative, he contended, has been constantly exercised, under foreign influence, to the detriment of the country, and ought, therefore, to be restricted. Parliamentary government in the fullest sense, he demanded as the tribute due to free men. The House might assert its right to nominate the successor, on a given contingency, and hedge the exercise of this right so as to secure the interests of the country. It might amuse itself with the belief that it was safeguarding the national liberties by settling some points of constitutional procedure. It would have cause to rue its self-deception. "Restrict not merely the conditions of succession, but the prerogative itself," he cried, "and you will ensure, without possibility of accident or evasion, the vindication of your country's wrongs." On the 22nd June, he had laid his scheme of twelve

limitations on the table of the House.* Its provisions were far more radical than those of the Act of Security. It declared the right of election to the throne, in the event of the queen's decease, without bodily heirs, to reside in Parliament, which was to meet for this purpose within twenty days. It demanded annually elected Parliaments and vote by ballot. It proposed to balance the power of the nobility and the commons by adding to the House one representative of a shire for every new peer created. The king should be obliged to give his sanction to all laws passed by the Estates, and should be advised by a parliamentary committee during the interval between the Sessions. He should not have the power of declaring peace or war, of making any treaty with another state, of maintaining any military force, of granting any pardon or general indemnity, without their consent. All posts of state, civil and military, and all pensions, should be conferred by Parliament, and should lapse on the sovereign's decease. All the able-bodied men of the nation between sixteen and sixty were to be armed and drilled as a national militia. The senators of the College of Justice were to be declared incapable of sitting in Parliament. If any of these laws should be infringed by the king, he was to forfeit the crown.†

The doctrine of the limitation of the prerogative was not new, though Fletcher's scheme is remarkable for the boldness and novelty of several of its features. When the question of settling the succession was before the House of Commons, Harley rose and insisted on the importance of obtaining guarantees for the good government of the nation. He observed that the haste with which

* Hume's *Diary*, 109. "Draught of an Act given in by Saltoun, containing twelve limitations on the successor." Lockhart (*Papers*, I., p. 822) writes as if this scheme was not given in till the Session of 1705. Burton (*History of Scotland*, VIII., p. 113) implies that it was not advocated in its entirety before the same date. This is a mistake.

† Fletcher's *Political Works*, pp., 281-88.

the Revolution settlement had been made had precluded Parliament from stipulating many securities in favour of liberty and religion, "which might have prevented much mischief". They had not now the excuse of haste. He therefore moved that they would settle certain conditions of government as preliminaries, before they should proceed to the nomination of the person. The motion might have been made by a Fletcher. It found many supporters, and several weeks were spent in discussing the limitations to be imposed on the future sovereign of the House of Hanover. The monarch, for instance, was forbidden to employ strangers in the Government, and might only appoint ministers in conjunction with the Privy Council.* The force of these precautions in reference to England was obvious; and patriots like Fletcher argued that similar precautions were all the more applicable to the special case of Scotland. Moreover, as the English Parliament had arrogated to itself the right to settle the succession to the English crown without consulting the Scottish Estates, the Scottish patriots maintained, and not without justification, that they were entitled to impose what limitations they pleased, for the security of Scottish interests.

On the 1st July, Fletcher, seconded by Marchmont, Hamilton and Buchan, endeavoured to get his scheme considered, in preference to the less radical Act of Security, whose paragraphs then engrossed the attention of the House. Some days later he again intervened on its behalf, and succeeded, amid a scene of great excitement, in getting himself moved to the bar, to answer for the strong language in which he denounced the subservience of the Scottish ministers to my lord treasurer of England.† He returned to the charge, nevertheless, on the 25th August and the 9th September. As the result of the union of the crowns, Scotland had, he contended, in reality been ruled by the English Government. All offices of state had been filled by

* Burnet, *Hist.*, pp. 683-4.

† Hume's *Diary*, p. 112.

men, who were the creatures of the English ministers. No man could hope for state preferment, who voted in Parliament and Privy Council in opposition to that influence. To the rest of the world, Scotland seemed more like a conquered province than an independent nation. The only remedy was to take the right of conferring pensions and places from a monarch, whose prerogative was simply the power to bribe greedy, ambitious and necessitous men, and place it in the Scottish Parliament. Fletcher was too ideal a moralist and too anxious to secure his country from the baneful effects of monarchical patronage, as manipulated by a foreign Government, to consider the no less injurious results of parliamentary corruption. To him the saintliness of his ideal Parliament is a thing of course, though his reflection on the self-seeking spirit of the conventional politician of his time, might have made him less confident of the pure patriotism of his fellow-legislators. "Every one knows," he concluded, "that princes give places and pensions by the influence of those who advise them. So that the question comes to no more than whether this nation would be in a better condition, if, in conferring our places and pensions, the prince should be determined by the Parliament of Scotland, or by the ministers of a Court, that make it their interest to keep us low and miserable. We all know that this is the cause of our poverty, misery and dependence. But we have been for a long time so poor, so miserable and depending, that we have neither heart nor courage, though we want not the means, to free ourselves." *

He claimed that in proposing this scheme of constitutional reform, he was in part reclaiming the rights possessed by the Scottish Estates before the union of the crowns. Their liberties had been sacrificed to an ecclesiastical policy, intended to increase the royal prerogative for its own ends. If, before the Union, such limitations were deemed advisable, surely their necessity was incontestably demon-

* *Political Works*, p. 275.

strated by the present state of the nation. "If, then," he exclaimed, "no such principles were in the nation, and the constitution of our Government had greatly limited the prince's power before the union of the crowns,* dare any man say he is a Scotsman, and refuse his consent to reduce the Government of this nation, after the expiration of the entail, within the same limits as before that union? And if, since the union of the crowns, every one sees that we stand in need of more limitations, will any man act in so direct an opposition to his own reason and the undoubted interest of his country, as not concur in limiting the Government yet more than before the Union? . . . Let us not, then, tread in the steps of mean and fawning priests of any sort, who are always disposed to place an absolute power in the prince, if he or his party will gratify their ambition, and by all means support their form of Church government, to the persecution of all other men, who will not comply with their impositions. Let us begin where our ancestors left before the union of the crowns, and be for the future more jealous of our liberties, because there is more need." †

He claimed for parliamentary self-government a sure remedy for the poverty of Scotland, and declared that rather than suffer longer the intolerable results of the regal union, he would vote for separation. That poverty ought to appeal to the heart of every Scotsman as an insuperable argument in favour of uprooting the evil, that was the canker of Scottish prosperity. If a people is poor and wretched, let the cause of its wretchedness be swept away, even if a radical change of constitution is necessary. He will not make a fetish of a precedent or a custom, if it deprives men of bread, and serves to perpetuate discontent.

* Fletcher attempted to prove this thesis in *An Historical Account of the ancient Rights and Powers of the Parliament of Scotland* (1703). It has been attributed to George Ridpath, but the arguments and style are palpably Fletcherian.

† *Works*, pp. 278-9.

Even the monarch might welcome a diminished prerogative if it tended to make both kingdoms stronger, and thus in reality increase his power. "These limitations," he insisted, "are calculated merely to this end, that so long as we continue to be under the same prince with our neighbour nation, we may be free from the influence of English councils and ministers; that the nation may not be impoverished by an expensive attendance at Court, and that the force and exercise of our Government may be, as far as is possible, within ourselves. By which means, trade, manufactures, and husbandry will flourish, and the affairs of the nation be no longer neglected, as they have been hitherto. These are the ends to which all limitations are directed, that English councils may not hinder the Acts of our Parliaments from receiving the royal assent; that we may not be engaged without our consent in the quarrels they may have with other nations; that they may not obstruct the meeting of our Parliaments, nor interrupt their sitting; that we may not stand in need of posting to London for places and pensions, by which, whatever particular men may get, the nation must always be a loser; nor apply for the remedies of our grievances to a Court, where for the most part none are to be had. For my own part, my lord chancellor, before I will consent to continue in our present miserable and languishing condition, after the decease of her majesty, and heirs of her body failing, I shall rather give my vote for a separation from England, at any rate. . . . Sure the heart of every honest man must bleed daily, to see the misery in which our commoners, and even many of our gentry, live; which has no other cause but the ill constitution of our Government, and our bad Government no other root, but our dependence upon the Court of England. If our kings lived among us, 'twould not be strange to find these limitations rejected. 'Tis not the prerogative of a king of Scotland I would diminish, but the prerogative of English ministers over the nation. To conclude, these conditions

of government, being either such as our ancestors enjoyed, or principally directed to cut off our dependence on an English Court, and not to take place during the life of the queen, he who refuses his consent to them, whatever he may be by birth, cannot sure be a Scotsman by affection. This will be a true test to distinguish, not Whig from Tory, Presbyterian from Episcopal, Hanover from St. Germain's, nor yet a courtier from a man out of place; but a proper test to distinguish a friend from an enemy to his country. And, indeed, we are split into so many parties, and cover ourselves with so many false pretexts, that such a test seems necessary to bring us into the light, and shew every man in his own colours." * Fletcher went so far as to assert that the successor might come from Hanover, or St. Germain's, if Parliament so willed, but his limitations he would have. He objected to the Act of Security as too indefinite, and insisted that the House should further particularise its demands. It would thus obviate the risk of being outwitted by a Government which might yield the general conditions, and yet deem that it had satisfied them, by passing one or two inconsiderable laws. He offered to leave the name of the successor blank, and called on the supporters of both the Pretender and the Princess Sophia to unite in securing, without possibility of violation, the liberties of the nation. "I who have never made court to any prince, and I hope never shall, at the rate of the least prejudice to my country, think myself obliged, in discharge of my conscience and the duty of my oath in Parliament, to offer such limitations as may answer the general clause in the Act for the security of the kingdom. And this I do in two draughts, the one containing the limitations by themselves, the other with the same limitations, and a blank for inserting the name of a successor. If the House shall think fit to take into consideration that draught which has no blank and enact

* *Works*, pp. 289-299.

the limitations, I shall rest satisfied, being as little fond of naming a successor as any man. Otherwise, I offer the draught with a blank, to the end that every man may make his court to the person he most affects, and hope by this means to please all parties—the Court, in offering them an opportunity to name the successor of England, a thing so acceptable to her majesty and that nation; those who may favour the Court of St. Germain's, by giving them a chance for their pretensions; and every true Scotsman, in vindicating the liberty of the nation, whoever be the successor. . . . For my own part, I think that even the most zealous Protestant, if he have a true regard to his country, ought rather to ask (were it consistent with our Claim of Right) that a Papist would succeed to the throne of Great Britain, under such limitations as would render this nation free and independent, than the most zealous Protestant and best prince, without any. If we may live free, I little value who is king; 'tis indifferent to me, provided the limitations be enacted, to name or not name—Hanover, or St. Germains, or whom you will." *

Though the majority listened with sympathetic attention to this eloquent and pathetic plea in favour of absolute self-government, it was in no republican mood. It preferred the Act of Security to the doubtful results of far-reaching constitutional innovation; expended its wrath on the earl of Marchmont, who advocated the expedient of devolving the crown on the Electress Sophia, on condition of her agreeing to grant free trade; and waited impatiently for some sign of the commissioner's readiness to give the Act of Security the royal sanction. Queensberry was, in truth, as anxious as his opponents to be able to announce this solution of the difficulty. The taunt of consulting merely the wishes of my lord treasurer and the female busybodies of the English Court, rather than the interests of the country, was somewhat inconsiderate. The fact was,

* *Works*, pp. 328-329.

that he and his colleagues had urged compliance on the queen and Godolphin, and only acted an obstructive part in deference to unwelcome instructions from London.* He was by no means the evil genius of his country that he appeared to be in the view of a heated and hostile opposition. In spite, however, of urgent messages to Godolphin in favour of conciliation, or at least compromise, he received a peremptory command to reject, or suppress the obnoxious Act. On the 10th September, in response to an impatient appeal to touch it with the sceptre, or declare the royal intentions, he intimated that he had been empowered to give the royal assent to all Acts passed by the House, except the Act of Security; and added that it was the queen's wish that it should now proceed to vote supply. The announcement was received with an outburst of rebellious defiance. Fletcher boldly questioned the right of the queen to retard legislation, by refusing the touch of the sceptre to Acts of Parliament. He had the Act read by which the Scottish Estates had recognised the prerogative of Charles II.; and contended that the touch of the sceptre gave authority to the laws, as the royal stamp gave currency to the coin of the realm, but did not involve the power of veto. He preferred to believe that the commissioner and his English advisers were merely taking refuge behind this pretext, in order to impose their will on the Scottish people; and asked whether the English Parliament, in settling the succession, had thought of asking the concurrence of Scotland. Was not this to tell the Scottish Estates, in effect, that they were not worth being consulted, and must abide by the decision of England? If the queen was thus to be deterred by outside influences from giving her assent, the only possible course was to ask the

* "Though the queen," wrote Godolphin to Seafield, in reference to "the Act anent Peace and War," "finds her other servants in that kingdom do generally concur in the desire of such an instruction to be made to her commissioner, to be made use of in case of necessity; yet she hopes and expects from them all, that they will also concur in endeavouring to prevent that necessity as far as possible."—See *Stair Annals*, Vol. I., p. 380.

House to adopt a resolution that, "after the decease of her majesty, and heirs of her body failing, we will separate our crown from that of England".*

Considering the furious temper of Parliament, it would not have been surprising had it had recourse to even this desperate remedy. It so far preserved its equanimity as to adopt the constitutional, and at the same time the surest, method of forcing ultimate compliance with its will. It refused to vote supplies, and resolutely met every motion to this effect with "an overture for liberty". It proposed to remonstrate with the queen by an address, and greeted the suggestion of Marchmont to ask her majesty to state her objections, with fierce cries of "Traitor," "To the bar". It gave rein to its wrath by declaring the Commission to treat for a closer union "determinate and extinct," and passed an Act allowing the importation of French wines, the war with France notwithstanding. On the 15th September, Fletcher redoubled his efforts to convince the majority that, the Act of Security being now out of the question, his motion for limitations was the only expedient to bring the Government to reason.† He marshalled anew all the arguments derivable from past and contemporary history, in order to make his ideal of autonomy and liberty acceptable to the wrathful Countrymen and their Jacobite allies. "The question we have now before us," he cried, "is whether we will be freemen, or slaves for ever; whether we will continue to defend, or break the yoke of our dependence; and whether we will chuse to live poor and miserable, or rich, free, and happy. . . . In the name of God," he continued, after urging every conceivable benefit on behalf of his scheme, "what hinders us from embracing so great a blessing? . . . Shall we be wanting to ourselves? . . . If either reason, honour, or conscience have any influence upon us; if we have any regard either to our-

* *Works*, pp. 299-303, 315-321.
† See Hume's *Diary*, p. 135.

selves or posterity; if there be any such thing as virtue, happiness, or reputation in this world, or felicity in a future state; let me adjure you, by all these, not to draw upon your heads everlasting infamy, attended with all the eternal reproaches and anguish of an evil conscience, by making yourselves and your posterity miserable." *

The chancellor saw in this passionate peroration the opportunity of the Government. Maybe, it had not been without effect on the minds of a section of the opposition; and the division of opinion would bring grist to the Government mill. He pitted the motion for supply against the republican scheme of the laird of Saltoun, in the hope that a majority would decide for supply, as the lesser evil. Fletcher perceived the danger, and saved the majority from the risk of dissension by withdrawing his motion. The battle then centred round the question, Overtures for subsidy, or overtures for liberty, in terms of the Act of Security? The Government, in this dilemma, entered into a hurried consultation around the throne as to what was to be done. They were subjected to a raking fire of opprobrious and furious denunciation from the opposition, amid cries of "Liberty, no subsidy!" The House appeared to an astonished onlooker more like a Polish Diet than an assembly of sober Scotsmen.† At length the commissioner promised from the throne that if the House would give the Act for a subsidy a first reading, he would allow three sittings to intervene before asking the second. His words were greeted with an outburst of angry dissent, which showed that the device was hopeless. "The import of this proposal," cried an excited orator, "is plainly this: to engage us to a supply, and then, after amusing us for three sittings with the discussion of overtures for liberty, to snatch a second reading and adjourn the Session." "It is now plain," shouted another, "that the nation is to expect no other

* *Works*, pp. 334-349; *cf.* Tindal's *Continuation*, XX., p. 288.
† Clerk's *Memoirs*, p. 63.

return for its expense and toil than to be put to the charge of a subsidy, and to lay down its neck under the yoke of slavery prepared from the throne." A third declared that he would venture his life to assert the privileges of Parliament, for he would rather die a freeman than live a slave. These words contained a reference to the disquieting rumours that the commissioner intended to resort to military force, to overawe the Parliament. It was noticed that a detachment of foot-guards had recently been placed every night at the Netherbow Port. Heated partisans had magnified this precaution in the interests of order, into an intention to destroy the rights of the House. Lieutenant-General Ramsay, when heated with wine, had let fall the unguarded words that ways would be found to make Parliament calm enough. At length, the earl of Roxburgh rose to declare, as the consummation of all this passionate oratory, that if they were denied the privilege of a vote, they would enforce it with their swords. Queensberry flinched before this ultimatum of his glaring antagonists, and bade the chancellor intimate that the motion for supply should lie on the table, and the overtures for liberty be proceeded with on the morrow. Next morning the opposition met to prepare the Act, which was to take the place of its unfortunate forerunner. The decisive reforms demanded showed that they were prepared to go the length of part, at least, of Fletcher's scheme. They agreed that the elected members should be chosen annually; that a Parliamentary Session should be held once in two years at least; that the power of adjournment should lie with Parliament itself; and that no officer of the army, customs or excise, and no pensioner, should be capable of election.* Queensberry thought better of his promise over night. Next day he touched the "Act anent Peace and War" with the royal sceptre, but refused to pass the Act of Security, and adjourned the Session to the 14th October,

* Tindal's *Continuation of Rapin*, XX., p. 292.

on the pretext that it was expedient to lay the state of legislation before her majesty. He did so in a honeyed speech, which was intended to send the members back to their constituents in a less resentful humour. Neither Parliament nor country was in a mood to be caressed into forgiving the commissioner's transgressions. The nation had caught the spirit of its representatives, if we may believe Lockhart,* and was more embittered and inflammable than ever.

* *Memoirs*, pp. 61-62.

CHAPTER V.

A PLOT AND ITS SEQUEL (1703-1704).

THE queen and her English advisers were kept informed by the Scottish ministers, and other prominent politicians, of the proceedings of Parliament, in a correspondence, which Fletcher and his friends might have construed into an additional argument in support of their denunciation of English influence.* In the suspicious state of public feeling, ever on the alert to find the hand of England behind the tactics of the Government, the apologetic tenor of some of these letters would have lent a sharper sting to the taunt of servility to England, if it had not resulted in the impeachment of the writers. The earl of Leven, by using a borrowed hand, managed to assure his friends in the South of his loyalty to the constitution, but not without great trepidation at the prospect of being found out. Tarbat, Athole, and Seafield, as well as Queensberry, likewise courted, with epistolary assiduity, the good opinion of my lord treasurer. The queen, they discovered, was incensed at "these unreasonable Scotsmen," who were doing their utmost to sever their country from England,

* The obsequious attitude of some of the Scottish ministers towards their mentor, Godolphin, is illustrated by a letter from the earl of Stair. "My lord," he apologises, "I have great cause to crave pardon for so tedious a letter to a person charged with so great affairs; but I thought it necessary your lordship should know how matters are, and what may be expected, as 'tis all I can contribute to her majesty's service. But there neither hath, nor shall anything be wanting, whereof I may approve myself."—*Stair Annals* (Graham), Vol. I., p. 208.

and "enforce it into the arms of France,"* and not over indulgent in her criticism of the commissioner's failure to achieve the impossible. At the close of the Session he accordingly posted off to London to mollify her resentment; or, as Fletcher put it, to dance attendance on the English ministers and the English Court ladies.

The manner in which Godolphin and his fellow-ministers make the action of the Scottish Parliament the subject of Cabinet deliberations, is a striking proof that Fletcher, Belhaven, and others, were by no means suffering from hallucination in their denunciations of English interference. Godolphin, indeed, writes to Nottingham, in prospect of a Cabinet Council at Bath, whither the queen had gone in August to take the waters, as if he were lord treasurer of Scotland, as well as of England. "As to the affairs of Scotland, her majesty doth also agree with you that the difficulty will be great, either to pass the Acts desired by that kingdom, or to be without a provision for the support of the civil and military government there, the want of which must probably bring that country into great confusion, and give opportunity of advantage to the factious and opposite party. But, since it is necessary that some resolution of her majesty should speedily be sent to Scotland, and that the matter is of so much consequence to England, as well as to Scotland, as not to be determined without the opinion of the lords of the Cabinet Council, the queen commands me to tell your lordship that she desires you would acquaint those lords who are

* "Her majesty," wrote Godolphin to Athole, "thinks the Act for putting peace and war out of the power of the successor may at this time be of the greatest inconvenience imaginable, both to England and Scotland, and must inevitably have the consequence of a separation, instead of a union, between the two nations, and of enforcing Scotland into the arms of France, instead of continuing in friendship with their nearer neighbours, who are of the same religion with themselves."—*Athole MSS.* (Hist. MS. Com.), p. 61. The queen, he added, in another letter (9th Aug.), can never consent to a different successor. The only remedy lies in union, based on communication of trade and other advantages.

with you at London, with the matters of fact that have passed there, and the consequences of them one way and the other, and transmit to her majesty the result of these thoughts, upon the receipt of which her majesty intends to call together the lords who are here, *in order to guide her in such a resolution as they shall think most proper to be sent to Scotland, upon due consideration of the whole matter.* . . . It is observable enough that the queen's servants in Scotland, who agree in nothing else, do yet all agree it would be for her majesty's service in that kingdom to pass these Acts, since they relate only to what may happen after her majesty's reign, and in the meantime there may be opportunities of retrieving, in another Session of Parliament, the inconveniences which would otherwise happen." *

The question was one, it may be granted, in which English interests were closely affected. The decision of the succession in Scotland might involve the overthrow of the Revolution of 1689. It might place Scotland on the old footing of an enemy in alliance with France, if it did not subject her to the rule of the Pretender. "It might," as Godolphin wrote to Stair, "induce an international war, which England would regret, and Scotland rue, when too late." † The minds of English statesmen were uneasy at the prospect of an independent and hostile Scottish Parliament. If Fletcher and his fellow-orators could claim no better result, they might justify their defiant speeches with the patriotic plea that they had at least sent a tremor through the English Government, and put a period to the policy of ignoring Scotland. This trepidation, in the case of Harley, at least, was tinctured with the profession of the most benevolent interest in the Scottish nation. His views are interesting as showing the impression created on the mind of the moderate, sensible Englishman, by the outburst of Scottish eloquence, these four months back. "These reasons, sir," wrote he to Carstares, "make me a

* *Add. MSS.*, 29589, f. 108.

† *Stair Annals*, I., pp. 380-81.

well-wisher and a servant to the nation, and fill me with grief, to see a cloud gathering in the North, though no bigger than a man's hand. I wish some of you would endeavour to dispel that cloud; that some amongst yourselves (for none else you will suffer) would bind up the wound, would fling a garment over the nakedness of your country. Some papers have made a great noise of the independency of that kingdom; I cannot imagine to what end, because it hath never been thought otherwise, or treated otherwise, since the days of Queen Elizabeth. I must still profess myself full of hearty good wishes for the honour and prosperity of that kingdom, and should be very glad to be able to answer several questions which now and then fall in my way to hear, as, Whether such long sittings of Parliament will not have fatal consequences, besides the altering that constitution, if often practised? Whether the whole nation will acquiesce in renouncing the house of Hanover, and agree with another person? Whether foreign subsidies will maintain the expense of a king and a Court? Whether a king of their own will ever procure them any sort of advantage in trade; and what shall be given to their neighbours to obtain it? Whether under a king of their own, the power of the nobles must not be increased, and the liberty of all the rest of the people proportionately diminished? Whether the present constitution of their ecclesiastical regimen can be of long continuance under such a government? and, whether the hand of Joab is not in all this? I am unwilling to add an objection which strikes me dumb, which is this: here is a treaty set on foot by the public faith of both nations for an union; so great a progress is made in it that trade and other things desired, seemed to be agreed; and without any regard to public faith or decency, etc., all is laid aside, and England is to be bound by a collateral act of another nation. Are men in earnest? Does any single person believe this is the way to procure what they seem to desire? I hope they will recover them-

selves. A nurse may indeed convince a froward child it cannot go alone by letting the child make the experiment; but the hazard is too great, it may have a fall, which may leave a scar. I wonder to hear so much zeal about trade when it is not in the right place. You have inexhaustible mines of riches at your own doors, ready and practicable, and you are led astray to rob orchards of green fruit. . . . It were easy to propose remedies, if the patient were capable." * In a subsequent letter to Leven (20th July, 1704), he pronounced the action of the Scottish Parliament to be simply incomprehensible, and expressed great irritation at what he deemed the misleading bluster of selfish agitators. "Is England," he asked, "to be whipped into that which was voluntarily offered at the Union, when the greatest advances which ever were made by England, were then agreed, and have since been scorned and refused? Are those gentlemen in earnest to do good to Scotland, who have endeavoured to ridicule an Union, and yet none pretend to be for it? who have pretended to believe poor Mr. Hodges, his chimerical book, and yet at the same time would have us believe that they are true Scotsmen, and would be glad of a real union, by which they mean somewhat either very imperfect, or very impracticable? Will not the example of Poland carry some instruction with it, and show how far friction and avarice can carry people to the destruction of their country, and at last find themselves deceived, and make a very sorry retreat? Will not the nation, when they are cool, make reflection that they might have had everything which was reasonable, even their losses about Darien repaired, and nothing asked but for their own good? I say, will they not, as soon as their eyes are open, be apt to turn upon their misleaders, and give them their just doom?" †

The uneasiness of England was intensified by alarming

* *Carstares State Papers*, pp. 720-22.

† *Memoirs of the Earls of Melville and Leven*, by Sir William Fraser—*Correspondence*, II., pp. 186-7.

rumours of the activity of Jacobite conspirators north of the border. The stormy Session of the Scottish Parliament had aroused a keen interest in Paris, as well as in London. Fletcher's speeches were reported and discussed, even amid the clash of a European war, at Versailles and St. Germain's, at Amsterdam and the Hague. They were important enough to command a notice in the letters on current international politics of Jean Dumont. Fletcher's name was a well-known one in both the French and Dutch capitals, where he had spent several years of exile as a keen political partisan. They served to quicken the intrigues directed by the earls of Middleton and Perth, and other advisers of the Pretender, from St. Germain's. The resolute anti-English tone of the Scottish Parliament raised the hopes of the Jacobites, at home and abroad, of striking a successful blow in Scotland, on behalf of the exiled House. A noted Jacobite plotter and diplomatist, Colonel Hooke, was at this juncture busy writing memoir on memoir on the rebellious mood of Scotland, for the instruction of M. de Torcy, Louis' foreign minister, and advocating a French invasion, under circumstances reputed so favourable. There was, in the too sanguine judgment of this keen observer, an universal design to throw off the English yoke.* Let Louis and James only spend money, and friends would start up on all sides to support their projects. The angry defiance of England he held to be more favourable to a revolution, than the popular discontent that had driven the Pretender's father from the throne. There was, he concluded,—somewhat hastily,—no question, in view of the resolute spirit of the Scottish Parliament, of the ready response of the people.†

* "Le dessein de secouer le joug de l'Angleterre est universel."

† "Après tout ce que le Parlement a fáit l'été dernier, il est impossible de douter de la disposition de cette nation; ils ont rejeté la succession d'Hanover, ils ont déclaré qu'ils veulent se séparer de l'Angleterre; et ils ont voulu se mettre en état de defense."—See *Hooke Correspondence*, I., p. 71, *et seq.*

Intrigue and rumour were busy; the English Government was suspicious and alert; the sultry atmosphere of the Parliament House seemed ready to flash revolt throughout the country. Every whisper of treason could reckon on thousands of eager ears to listen to it, and thousands of ready lips to magnify it. It so happened that, in these apposite circumstances, there was a man with wits sufficient to invent and decorate a tale, with which to trade on the suspicious mood of the time, and thereby save himself from going completely to the devil. This man was Simon Fraser, destined to become, nearly half a century later, historic as lord Lovat. Simon was of Celtic race and versatile ability. He was the son of a Highland laird, and had imbibed considerable classical learning at Aberdeen University, of which he was a master of arts. He had some thought of devoting himself to the profession of the law, when he was called by lord James Murray, afterwards earl of Tullibardine and duke of Athole, to accept a subordinate command in his regiment, and fight for King William. If we may credit his own assurances, he greatly strained his conscience—which emphatically bore testimony in favour of King James—in so doing. The political conscience of this period could stand a good deal of straining, however. Simon swallowed his inclinations, and drew his pay with as meek a submission to fate as the most splendidly titled opportunist of his generation. It so happened that personal interest brought him into collision with his commanding officer, our future duke; and here ended his allegiance to his commanding officer's king. Simon's cousin was Hugh Fraser, the lord of Lovat. Lord Hugh, having swilled in the Edinburgh and London taverns beyond the capacity of even the potent constitution of a Highland chieftain, turned invalid. Simon was very attentive; and so charmed was Hugh with his cousin's chivalrous and wholly unselfish attentions that he made him his heir. Some time thereafter he died in a lodging at Perth, swearing at the inhumanity of Tullibardine, to whose sister he

was married, for wishing him out of the world, in order that he might lay his hands on his lands. So, at least, the sympathetic Simon assures the world in his most veracious memoirs.* The said Simon waived his claims, as testamentary heir, in favour of his father, and assumed the dignity of master of Lovat. Tullibardine did not relish the idea of his sister being turned out of Lovat, and losing so many broad acres for his own family. He therefore hit on the plan of trying to caress Captain Simon, in the presence of two men of the law, into signing a renunciation of his claim to the estate and title of Lovat. Captain Simon would neither be caressed nor threatened; and an altercation ensued. He drew his sword, and offered to wipe out the insult in true Highland fashion; but as his lordship wore no sword on this pacific occasion, he brandished it in the faces of the attendants, who, says he, were placed there to seize him in case of this eventuality, and withdrew. Henceforth there is mortal feud between him and Tullibardine, and it is in this scene that the secret of the sequel lies. Tullibardine schemed to retain the estate in his family by the marriage of the lady Lovat's eldest daughter to a son of lord Salton, a dependent of his own. Simon, however, forestalled his plan by intercepting Salton and his followers in the wood of Bunchrew, and disarming and making them prisoners. He then proceeded to put in execution one of his own—to turn lover himself and marry the object of young Salton's fervid affections. Simon, in the *rôle* of lover, approached the castle of Dounie with a large following of trusty henchmen, protested the depth and purity of his sentiments without response, and, not finding the heroine of his dreams at hand, bethought himself of marrying the mother instead. The mother shrieked for horror; but Simon, having brought a clergyman along with his savage war-band, bade his piper blow the great pipe to drown her screams, and became a husband

* *Memoirs of the Life of Lord Lovat; cf.* Burton's *Life of Simon, Lord Lovat.*

at the point of the sword. He carried his bride to the almost inaccessible island of Aigas, in the water of Beauly; and though he swore that he was as innocent as a child of any but the most ideal conceptions, made sure of his conquest against all pretenders by forcing the consent of his captive.

Tullibardine swore vengeance for the dishonour done to his sister. He sent three hundred picked clansmen to seize the reprobate Simon dead or alive, and obliged him to take to flight. He was arraigned by the Court of Session, and proclaimed an outlaw, or, in the phrase of the time, letters of fire and sword emitted against him. The influence of Argyle, who was not loth to patronise an enemy of the house of Athole, secured his pardon from King William, subject to the approbation of the Scottish Privy Council. The Privy Council, at the instigation of Tullibardine and Hamilton, refused its consent; and the immaculate Simon was thrown on the resources of his classical education to make a living. Political intrigue opened up a field to him, as to so many penniless adventurers of those days. He repaired to St. Germain's, was favoured by lord Perth with an introduction to the ex-queen, told a very plausible story of being commissioned to bring the homage of the Highlands to her ex-majesty, and, through the good offices of the papal nuncio, Gualterio—to please whom he turned Papist—obtained an audience of M. de Torcy, and his master, the "grand roi," at Versailles. He embellished his story with some additional details, to the effect that the Highland chiefs had sent him, as their representative, to offer a force of over 10,000 men in support of a rising on behalf of the Pretender, on condition that Louis would land 5000 Frenchmen at Dundee, and send a few hundred more to the Ness to seize Fort William. Louis and his minister could ill spare even 5000 men at such a critical juncture in French affairs, and meanwhile desired to have the story authenticated. Fraser * was directed to return and arrange

* *Original Papers concerning the Secret History of Great Britain, from the Revolution to the Accession of the House of Hanover* (MacPherson), I., p. 630.

for a definite rising, and Captain John Murray, brother of the laird of Abercarny, to accompany him, and investigate the truth of his representations. It is in his capacity as emissary of the French Government that our adventurer turns up at Edinburgh in the summer of 1703, and solicits, through the duke of Argyle and the earl of Leven, the honour of an interview with the duke of Queensberry.

The duke, harassed and piqued by the tactics of a fierce opposition, was a fitting subject for the artifice of the ready-witted Simon. He was in a mood to listen to any circumstantial story, that might serve to throw suspicion on the motives of his tormentors. Simon had such a story ready. He gave, in his most insinuating manner, an account of his reception at St. Germain's and Versailles, and succeeded in impressing his listener with the necessary preliminary sense of his importance, as the confidential emissary of King Louis himself. He holds a commission as major-general from the French king, and is entrusted with the task of raising a Highland regiment for himself, in the name of King James. Queensberry listens with ever keener interest as he proceeds to throw out accusations of treason against the leaders of the Country Party, and even some of the members of the Government, with whom his relations were becoming strained. Hamilton and Athole corresponding with St. Germain's, and even receiving letters from the Pretender! Tarbat, even, and Seafield in touch with Perth and Middleton! Simon observes his advantage in the doubts that rise thick and fast in the commissioner's mind. He reiterates his statements, and amplifies them with ever more convincing details. The duke of Hamilton had acted in concert with the French Court, in his attempt to impugn the authority of "the Rump Parliament"! He was to be rewarded with the title and estate of duke of Chatelherault, and the command of the Scottish army! It was an indisputable fact that the Country Party was bent, in its opposition to a long-suffering commissioner, in bringing about a crisis, and

preparing the way for a rising, in which many of the nobility were to take part. Fraser is himself the bearer of a royal missive to the duke of Gordon, while Captain Murray has brought one for the duke of Hamilton. He hands over another addressed to lord Murray, the Tullibardine of former days. It is sealed with the seal of the late King James. These and others are in the pay of France, and large sums have already been transmitted to them by way of London and Amsterdam. The captain pauses timeously to allow the commissioner to glance at the situation in Scotland, in the light of these details. Queensberry ruminates, and grows more and more suspicious. Are there not rumours of a great gathering in the Highlands, under pretext of a grand deer hunt, at which Hamilton and Athole are to be present? Has not Nottingham lately sent him word that the English ambassador at the Hague has been informed of an equally suspicious report? 50,000 pistoles, he has been assured, have been forwarded from Amsterdam to Hamilton, and lesser sums to his fellow-conspirators! Has he not been warned by the same minister to be on his guard against treason? It does not occur to him that a Highland hunt is the most conventional of events, nor does he consider the probability that the report of bribery might have been invented by his informant, in order to furnish plausible confirmation of the story, to which he has been listening. He overlooks the patent fact that Fraser is the mortal enemy of both Athole and Hamilton. His mind is, for the present, too excited by the political heat of the hour to take a critical view of the story, or its author. He dismisses the innocent and sincere Simon with a sum of money sufficient to relieve the distressing necessities of so noble a patriot, and sits down to transmit to the queen an account of the interview, with the sealed letter to Athole, in the belief that he has had the great luck to come upon the trail of a vast and dangerous conspiracy.

This letter, if authentic, was sufficiently compromising to cost Fraser's arch enemy his head. "You may be sure,"

wrote Mary of Este, "that when my concerns require the help of my friends, you are one of the first I have in my view. I am satisfied you will not be wanting for anything that may be in your power, according to your promise; and you may be assured of all such returns as you can expect from me and mine; the bearer, who is known to you, will tell you more of my friendship for you, and how much I rely on yours for me, and those I am concerned for.—M." * Ostensibly the reference to "the bearer," in apparently commendatory terms, in a letter to one who was his bitterest foe, abundantly proves that, to whomsoever it was addressed, it could not have been to Athole!

Fraser might now regard with perfect composure the mandate which the Privy Council issued for his arrest. The crime of rape, for which he had been outlawed, did not come within the operation of the Act of Indemnity; but, with Queensberry for his patron, he might defy even "a commission of fire and sword". He might chuckle at the singular adroitness with which he had made Queensberry mistake him for a man of veracity, and which enabled him to set out for the Highlands, to foment rebellion under the protection of the queen's representative! He received a pass in order that he might carry on the work of intrigue, on behalf of the Pretender, unmolested, and in return report the course of negotiations to the Government. It was understood, of course, that in these negotiations he had exchanged the *rôle* of an emissary of St. Germain's for that of a spy of the commissioner. The versatile Simon managed to combine both, however; and while he earned more guineas by a specious air of frankness, was exerting himself, if we may credit his subsequent representations at St. Germain's, to the utmost, to rouse enthusiasm on behalf of James the Eighth. He held numerous conferences with prominent chiefs in Perthshire, and in Argyllshire. He discussed the plan of a French invasion, to support a Highland rising, with Breadalbane, Drummond, Cameron of Lochiel, Stuart

* *Collection of Original Papers about the Scots Plot*, p. 8.

of Appin, MacDonald of Clanranald, and others, and collected the materials for another grand story for the entertainment of the French Court. Lord Drummond was enthusiastic; but the wily Breadalbane could not see his way to support a Papist, when it paid him better to remain Protestant. Fraser pressed him with arguments to prove that the Papist would pay more than the Protestant; and repeated the assertion that Hamilton, Athole, Tarbat, etc., were entirely in the Pretender's interest. Breadalbane was too experienced in the arts of intrigue to commit himself; and, with the exception of a few chivalrous enthusiasts, the Highlanders were too cautious to venture further than general promises of support, in favourable circumstances. Fraser set out for London to report to Queensberry, all the same, a very circumstantial story of the rising which had been planned. On the strength of it, the duke procured another pass, under a feigned name, to allow him to go to Holland and France, to pursue the subject, on condition of his sending him further incriminating details against the leaders of the conspiracy in Scotland.

At this stage our ready-witted adventurer out-witted even himself. He spoke too freely of his adventures in a Jacobite clique, which met in London, at the house of one Clerke, with whom he lodged. One of these, whom he unguardedly took into his confidence, was Robert Ferguson, whose experience in the political intrigues of the period earned him the epithet of the "Plotter". He was the son of an Aberdeenshire laird, and, like Fraser, a graduate of Aberdeen University. He had acquired a reputation as a religious controversialist in the reign of Charles II., and had even turned his abilities to account as a dissenting preacher. He had next distinguished himself as a political writer, in the Protestant interest. He changed his politics after the Revolution, and had a hand in every Jacobite plot during the reign of William.* Fraser regarded him

* His interesting life has been carefully examined by Mr. James Ferguson, in a work entitled, *Robert Ferguson, the Plotter* (1887).

as a trusty associate in the good cause; and told him in high glee how he had managed to fool Queensberry, and carry out his mission to the Highlanders, under the protection of the Government itself. Ferguson professed the keenest interest in the story. He was particularly anxious to get an account of the sequel to his adventures, as Queensberry's agent, in Holland and France. Fraser promised to write to "his uncle Ralphson". Uncle Ralphson undertook to keep "his dear nephew Smeaton" posted up in all matters on this side the Channel, likely to be interesting. The experienced eye of uncle Ralphson perceived at once the high marketable value of his "nephew's" story, and the bad effect that a premature rising must have on the cause which, as a zealous Jacobite, he really had at heart. He waited until an exchange of letters had given him the clue to the correspondence which was to be carried on between Fraser and his friends, in the service both of Queensberry and the Jacobite interest. Thereupon, he informed the duke of Athole of the intrigues that were threatening his ruin, and put the earl of Nottingham on the track of discovering Fraser's correspondence with his friends in England.

A number of letters were intercepted; and Campbell of Glenderoul, Captain MacLeod, William Keith, and Thomas Clerke, to whom they were addressed, Sir John MacLean, Major Corbet, Mr. MacKinnon, and other suspects arrested in England and Scotland. In these letters Fraser appears in the character of an unswerving Jacobite. In one meant for the perusal of the duke of Queensberry, he adopts the tone of patriot with astonishing versatility, and serves up a continuation of the story, to the prejudice of Hamilton, Athole, and Tarbat, which he professes to have picked up on the voyage to Rotterdam. "What I told you of your chief Scots ministers having constant correspondence with France is too true; I had it confirmed to me by one of Tarbat, his own relations, who is employed in the ambassage; he told me plainly

that Athol and Tarbat were resolved to call home the king, he having discovered himself very soon to be a Jacobite. I convinced him I was one too, and to this hour he does not know what I am; otherwise it would be very dangerous for me. I extolled Athol and Tarbat to him, and their party; which wrought so well with him, that I plainly saw all his intrails. He is a cousin german of Tarbat's, come from Oxford, and going to study the law at Utrecht. . . . He came over with me in the same ship; and when I was afraid to be known by him, he began his royal theme, which I entertained with a great deal of passion, and in giving an account of their power in Scotland. He gave me a whole hour's discourse of myself, so that I was obliged to set my prudence and wit at work in entertaining a story of myself. Sir, you know what a demonstration I gave you before of Athol and Tarbat's knavery; if, after all this, the great persons you have to do with do not believe it, I conclude they are infatuate, and that it is of no use to tell them anything, though never so plain. What I did was upon your account, for I owed none to their height of cruelty against me; but I bless God I am now out of their reach, for I do assure you, if I can, they will not Sir John Fenwick me." *

The revelation of this double-headed intrigue, of which the inimitable Simon was the centre, aroused the wildest excitement in Scotland and England. Party passion, which had subsided somewhat since the mouths of the angry orators of Parliament House had been summarily closed by adjournment, flamed forth anew. Hamilton and Athole denounced Fraser's story as a base fabrication, and accused Queensberry of treachery. They loudly asserted their innocence, and stigmatised the action of the commissioner as a base device to discredit the opposition and

* *A Collection of Original Papers about the Scots Plot*, pp. 50-52. See also Burnet's *History*, pp. 746-750; *Lockhart Papers*, I., p. 78; MacPherson's *Original Papers*, I., pp. 641-666; Somers' *Tracts*, XII., pp. 433-448; *Athole MSS.*, p. 568; *Crom. Cor.*, I., pp. 205-229.

its leaders. The latter felt himself exposed as the tool of a cunning knave, but justified his conduct on the plea that he had acted entirely for the public good. The return of so many exiles to take advantage of the Act of Indemnity, passed by the Scottish Privy Council, had aroused the apprehension that conspirators were at work. He had merely made use of Fraser as a means of obtaining the information, necessary to defeat their designs. These explanations were no palliative in the eyes of men, whose allegiance was impugned by a personal enemy, of such questionable antecedents, and who asserted that they had been victimised by a political opponent. The fact that Fraser was impugning the honour of those, whose ruin it was his interest to accomplish, might have put even a less experienced man than Queensberry on his guard. Whatever might be their secret motives, the ostensible attitude of his political opponents had not been that of men who were scheming to place the crown on the head of the Pretender. They had not merely recognised the queen's authority, and reiterated their allegiance to the claim of right, but they had been the uncompromising champions of the limitation of the royal prerogative. Such an attitude could not be construed into a desire to favour the accession of an absolute king. Nor was it probable that those who supported an Act to arm the Protestant population of Scotland were, at this stage at least, scheming to further the designs of a Catholic pretender. The examination of Fraser's confederates doubtless showed that strenuous efforts had been made to secure the support of Hamilton and Athole to the designs of St. Germain's. The letter addressed to Athole seemed very compromising, but the address, it appeared, was written in a different hand from the contents. Fraser had evidently received it as a general message, to be used according to his discretion, and had directed it to his bitter enemy, with intent to ruin him.* If, in the face of

* David Baillie professed, indeed, to know the secret of the treason of Hamilton and his accomplices; but, when arraigned before the Privy Council,

the improbabilities of the case, the duke was so far under the influence of the suspicions of the time as to lend weight to Fraser's tale, his opponents might with reason complain of the underhand and unconstitutional manner in which they had been treated. They might justly claim that, instead of patronising Fraser, the duke should have placed him under arrest, and have acquainted the Scottish Parliament with the crimes, of which one of its most prominent members stood accused. That Parliament, they held, was the proper body to deal with a plot which was concocted by Scotsmen, which affected the allegiance of leading Scottish noblemen, and which was to be carried into effect on Scottish soil. Is not the duke's action one illustration more of English domination in Scottish affairs? is the angry question on every lip. If the plot was welcomed as a party cry to discredit the opposition, the commissioner and his associates discovered that they had forged an additional weapon against themselves. He stood accused, in fact, of having himself broken the law which prohibited all communications with a rebel. Athole had undoubtedly the best of it when he subsequently demanded, in a memorial to the queen, for what purpose he had held intercourse with a rebel and an outlaw, and had spent £300 of the public money in order to enable Fraser to prosecute his seditious designs in the Highlands. Queensberry's conduct was, to say the least, hasty and inconsiderate, and he can hardly escape the charge of being actuated by political bias. Fletcher and his fellow-orators may be trusted to take the first opportunity to read their auditors in the Parliament House a lesson from this fertile text, on the subject of Parliamentary self-government, in accordance with the scheme of limitations.

merely sought to screen himself by accusing Queensberry of instigating him to make false accusations. He was sentenced to expiate his equivocations by standing in the pillory at the Town Church, and might be thankful that he had escaped transportation to the West Indies.—*State Trials*, XIV., pp. 1035-1066.

The heat of personal altercation was intensified by the general feeling of alarm that irritated English public opinion. The scare of invasion was more potent than the angry oratory of a Fletcher in begetting sentiments of resentment against perfidious Scotland. To increase the excitement, the Commons and Peers fell to quarrelling, in very heated terms, over their respective rights of inquiry into this seditious correspondence. The Scottish politicians resented the pretensions of either to interfere in a Scots conspiracy, as an encroachment on the independence of the Scottish Parliament. And all this because a ready-witted and unscrupulous rascal had managed to find credence for a story highly damaging to his sworn enemies, and most pat to the purpose of retrieving his financial necessities.

Indirectly, the concoction of this versatile adventurer gave an impulse to the Union. On the 17th December, the queen complained, in her speech to the English Parliament, of "very ill practices and designs carried on in Scotland by emissaries from France, which might have proved extremely dangerous to the peace of these kingdoms". At the same time she directed the Scottish Privy Council to investigate them; but the House of Lords stepped in, and, on its own authority, appointed a committee of inquiry. This committee spent several months in examining those who were implicated in the Fraser correspondence, and at length came to the conclusion "that there had been dangerous plots between some in Scotland and the Courts of France and St. Germain's, and that the encouragement of this plotting came from the not settling the succession to the crown of Scotland in the house of Hanover". The Peers then addressed the queen, urging the necessity of a favourable decision of this point, and promised that, if this were done, they would do all in their power to promote "an entire and compleat union".*

* *Parliamentary History*, VI., pp. 172-224; *cf.* Tindal's *Continuation*, XX., pp. 372-414.

The Commons did not relish the zeal of the Upper House. They disputed the right of the Lords to take prisoners, accused of conspiracy, out of her majesty's custody, and inquire into the charges alleged against them. They expressed their concern at this encroachment on the royal prerogative, as subversive of the constitution. The Lords, in reply, stigmatised the address in which the Commons conveyed their remonstrances to the queen, as harsh and indecent, as well as groundless and unparliamentary. They repelled the charge of subverting the constitution, and claimed that the right of subjecting political offenders to examination was a safeguard against the proceedings both of conspirators and of arbitrary ministers. Their opponents maintained their contention that the Peers had exceeded their powers, and trenched on the liberties of the subject. Far from setting up a barrier against tyranny, they were placing the country under their own despotism. The dispute waxed hotter and hotter until it became a personal squabble, which was aggravated by the jealousy of the complainant and the haughtiness of the defendant. Each bombarded the queen with a series of addresses, in which the bitterest recriminations were bandied about. Precedents were sought for in the Lords' Journals. Justification of this kind was found in abundance, but it failed to soothe the irritation of their antagonists, who appeared to be actuated by party spirit and legislative jealousy, in their stubborn refusal to admit the legality of a practice that had been exercised by both Houses.

Their attitude was highly popular in Scotland, where the dispute excited the keenest interest. Scottish national sentiment was wounded by the autocratic action of the Lords, which not only ignored the Commons, but seemed to arrogate authority over the Scottish Parliament. Scotland was very angry, and experienced a resentful pleasure at this altercation. The question of an inquiry really concerned her more nearly than either of the assailants. The Commons, she felt, were fighting her battle, though their hos-

tility was actuated by jealousy of their own rights, rather than a care for those of Scotland. They became suddenly popular with the Country Party, as the exponents of sentiments which appealed to Scottish patriotism. The controversy might be nothing more than a manœuvre of the Tory majority of the Commons against the Whig majority of the Lords; but Scottish political animosity could not fail to derive satisfaction from the spectacle of a quarrel, in which its demands seemed to be championed in the camp of the enemy.

This satisfaction was somewhat damped by the simultaneous encroachment on Scottish national susceptibility by an English law court. Among the numerous political exiles who returned to Scotland to take advantage of the Act of Indemnity, was David Lindsay. Lindsay was formerly a wine merchant in London, and a zealous adherent of King James. He had followed him to France, and become secretary to the earl of Middleton, the ex-king's chief adviser. He had thus made himself liable to prosecution, should he venture on English soil, under the statute which denounced all who repaired to France as guilty of high treason. Lindsay landed at Leith, and obtained a pardon. He made the mistake of concluding that this pardon would suffice to shelter him from the penalty of the English statute, and proceeded southwards. He was suspected of being an emissary of the Pretender, arrested, and examined before the Lords' Committee on the charge of being an accomplice of Fraser. He protested his perfect innocence of any intrigue against the queen, and stated that his object in visiting the English capital was to seek employment. He was handed over to the Old Bailey, to be indicted on a charge of treason, under the English Act against traitors. Lindsay pleaded his nationality as a Scotsman, and the fact that his political transgressions had been pardoned by the Scottish Government. He was told that he had lived for twenty years as an English subject, and had made himself liable to the penalty of the

English statute by his residence in France, in the service of the Pretender and his father. His Scottish pardon could avail him nothing, as the Act of Indemnity did not extend to England. He was still a culprit in the eye of the English law. He was sentenced to death, dragged to Tyburn, and the rope put round his neck, in order to wrest from him the political secrets of which he was suspected to be in possession. He stubbornly refused to divulge the intrigues of St. Germain's, stuck to his profession of innocence even in the presence of death, and was ultimately reprieved and banished the country. The English judges, in ridding the country of one with so questionable a political reputation, were rendering it a public service. Their contention that Lindsay was still a culprit in the eye of the English law, apart from his Scottish nationality, and the Scottish Act of Indemnity, was perfectly justifiable. But it savoured too much of English domination not to swell the indignation that denounced, in Scotland, the autocratic action of the Lords.*

On his return to France, Fraser wrote to the queen an improbable story of his adventures in Scotland, for the purpose of securing himself from the consequences of his unlucky dealings with Queensberry. With extraordinary effrontery, he represented himself as the pure and zealous patriot, who had maintained his integrity in spite of the tempting offers of the commissioner, and had fallen on this method of pursuing his real purpose with impunity. The earl of Middleton refused to believe in his innocence, and wrote to De Torcy, that he had not, in some points of his story, been as careful as authors of romances, to preserve probability. The fact that he had revealed his commission to Queensberry and Argyle deserved nothing short of hanging, and he recommended that he should meanwhile be seized and imprisoned. Fraser was sharply interrogated by the Nuncio on several

* For proceedings against Lindsay, see *State Trials*, XIV., pp. 987-1035; *cf. Scots' Plot Papers*, pp. 28-32.

parts of his story. The answers he gave only served to augment the suspicions of his integrity. These suspicions were confirmed by the report of Captain James Murray, who had been sent to Scotland some months earlier, for the purpose of fanning the opposition in the Scottish Parliament to the abjuration, the Union, and the Hanoverian succession, to press the conspiracy of a grand rising, and to hold out indemnity for the past and future security for the laws and religion of Scotland. Fraser professed the keenest indignation at the slight put upon his unfailing fidelity; he was thrown into the Bastille notwithstanding, and, for the present, ended his career as political speculator, by, it is said, becoming a Jesuit priest.*

However damning to Fraser's credibility the strange medley of lies and improbabilities with which he defended his motives, the more sober report of James Murray is full of positive assurances as to the duke of Hamilton's active Jacobitism. He strenuously asserted that Hamilton had entered heartily into the scheme to oppose the Union, abjuration, and the Hanoverian succession, and had successfully used his influence in Parliament to secure their renunciation, in the Pretender's interest. The duke, he assured the Court of St. Germain's, had made sure of the support of Athole, Tarbat, and Seafield. If the ex-queen would present him with £25,000, wherewith to bribe members of Parliament, he would undertake to answer for their conduct. But French troops must be kept in readiness to take advantage of the expected rupture, in the following Session, to invade Scotland, and the succours to be sent must be so powerful as to make failure impossible.† Such assertions, coming from a Jacobite emissary, whose interest demanded as favourable as possible an account of his intrigues, do not deserve a too ready credence. But that Hamilton held out, at least, the left hand to the over-

* For these transactions, see MacPherson's *Original Papers*, I., pp. 639-665.

† *Original Papers*, pp. 666-668.

tures from St. Germain's, is at least probable, in view of the state of parliamentary feeling, and gives ground for the conclusion that the profession of innocent indignation at the confessions of Fraser was not altogether genuine. Viscount Kilsyth, his trusty henchman, had given his word for the duke, to Livingstone, another Jacobite emissary from France, if sufficient French reinforcements could be relied on.* The duke was a cautious man, and perhaps saw that the amount of succours needed to satisfy his estimate of what constituted a safe venture, would preclude any serious effort on behalf of the Pretender, on the part of the French king; but while his extreme caution is admitted, his active sympathy is confidently assumed. Certain it is that the Court of St. Germain's concluded the attitude of the leader of the Scottish parliamentary opposition so favourable, and the anti-English bias of the majority so intense, that it pressed on M. de Torcy and M. de Chamillart, the advisability of striking at England for the double purpose of restoring King James, and re-establishing the adverse fortune of the war on the continent.

The episode of the plot induced the Country Party to send a deputation to the queen to rebut the imputations against their leaders, and the motives of their opposition to the Government. Athole, who spent the winter in London, kept his friends in the North informed of the discussions in her majesty's Scots Council. His letters aggravated the general anger and uneasiness at the aspersions on Scottish allegiance contained in the Lords' report. The earl of Stair was credited with the obnoxious proposal that the English treasury should grant a sum of money to maintain the Scottish army, and thus defy the

* "Le Vicomte de Kilsyth, qui est le conseil et l'âme du duc de Hamilton, m'a dit souvent, le duc fera toujours tout ce qu'il pouvra pour rompre toutes les mesures de la cour de l'Angleterre et de ses adhérans afin de conserver la couronne au roi légitime, mais il ne sortira des bornes que la loi lui préscrit, qu'il ne voye son affaire bien seure."—Livingstone's *Memoir concerning Scotland*, presented to the French Government, 1704. *Hooke Correspondence*, I., p. 71.

obstinacy of the Scottish Parliament to vote supplies. Rumour added the suggestion that the fractiousness of the Scots was to be denied further opportunity of expression, by an adjournment of their Parliament during the queen's reign. At Athole's urgent request, the duke of Hamilton summoned a meeting of his political friends at Edinburgh, for the purpose of making the voice of Scotland heard in the English capital. The earl of Rothes, the earl of Roxburgh, and Baillie of Jerviswood, were selected to be the bearers of their remonstrances to the queen.* The cavaliers objected that they were but ill represented in this selection. The deputies, they complained, belonged to the moderate section of the opposition, and might fall into the snares that would be set for them by the English ministers, with a view to weaning the Country Party from their hostility to the Court measures. These fears were not groundless; and this deputation, as we shall see, was the means of an important secession from the ranks of the Country Party, in favour of a new policy of compromise.†

The deputies were received by the queen on the 8th of March, 1704. They had come, said Rothes, to express the concern of their countrymen at the aspersions cast on some of her majesty's most loyal subjects, by the duke of Queensberry. Their dissatisfaction had been intensified by the report of an intention to keep an army in Scotland on foreign pay, and thus overrule the action of the Scottish Parliament. They begged her majesty to convoke the Estates at an early date, in order that they might inquire into the plot, and give the accused an opportunity of clearing themselves from the charges of sedition levelled against them. The queen disclaimed the intention of maintaining

* Lockhart's *Memoirs*, p. 94; *cf. Cromartie Correspondence*, I., 219-220.

† Eglinton, announcing to Cromartie the resolution to send a deputation to the queen (10th Feb., 1704), expresses "the hope that they will make frank offers of their service to the queen, and so give encouragement of good success in Parliament, which may make it meet soon, and it will prove the only cure to the present convulsions of our state" (*Cromartie Correspondence*, I., p. 218).

any force in Scotland, contrary to the constitution and the will of Parliament, and asked, with considerable warmth, how such a project came to be ascribed to her. It was believed in Scotland, replied Rothes, that this advice had been given to her majesty in Council. This was not denied; but she assured them that Parliament would be summoned immediately, and the papers relating to the plot submitted to it. The interview ended with the declaration of her determination to have the question of the succession settled in the coming Session, in the interest both of the Protestant religion and the security of the kingdom.*

Its tone was conciliatory, and the deputies were able to send to their constituents assurances fitted to salve their irritation. They found the same politic spirit in the English ministers. Significant of this conciliatory attitude towards Scotland, as the results of the determined stand made by the Parliament, and the apprehensions begotten by the recent revelations, is the fact that the comptroller, Seymour,† the supercilious advocate of coercion, and Secretary Nottingham, the patron of High Church Toryism, were about this time removed from their posts. Nottingham's refusal to sit at the Council board with the duke of Devonshire, the enlightened and sympathetic advocate of union, brought about his fall. The selection of Harley, the speaker of the Commons, to fill his place, was an additional augury of conciliation on the part of the English Government. The new secretary had given repeated assurances to his Scottish correspondents of his eagerness for an adjustment of the differences between the two nations. He had not yet developed from the popular Whig into the Tory leader of later years, and disclaimed as yet all sympathy with the policy of browbeating Scotland into compliance with English measures. The anxious question in the English Cabinet was, to what extent the spirit of conciliation should bend in entertaining the demands of the Country Party.

* *Marchmont Papers*, III., pp. 263-267.

† See Burnet's *History*, p. 752; *cf.* Defoe's *History of the Union*, p. 89.

Godolphin and his colleagues were convinced that a bid must be made for Scottish allegiance, in view of the ever-present danger of Jacobite intrigues, in the North, to the detriment of England. Scottish Whigs, like Marchmont and Leven, might assure their English colleagues that Scotland might be trusted to maintain the Claim of Right; but the intense Jacobitism of the Highlanders, and the doubtful loyalty of a powerful section of the Scottish nobility, invested the thought of a Jacobite revolution with a disquieting possibility. England could not afford to delay the settlement of the succession to the Scottish crown, with conspiracy at home and war abroad. Godolphin's own position required him to show an unmistakable decision on this point, for his enemies were whispering that he was no friend of the Hanoverian dynasty, and that the Government was not sorry to have this rod at hand to threaten the Whigs into submission to their measures. But they were not prepared to accept the Act of Security *en bloc*. They were willing to compromise, at the expense of granting certain limitations of the succession to the crown of Scotland, if that succession was settled forthwith, in accordance with the English statute. They consoled themselves for their generosity with the thought that the future might be trusted to give them an opportunity of repealing them. They hoped thus to propitiate the more moderate of the opposition, and secure a majority in the forthcoming Session to a measure which, it was now evident, was indispensably necessary to the peace of both kingdoms.*

The visit of the Scottish deputies at this juncture offered Godolphin an opportunity of laying a train, of which he took skilful advantage, for this policy of compromise. Queensberry, he was convinced, was impossible as commissioner. If the Scots were angry at his skilful efforts to repress their anti-English fury these three years past, they were doubly angry with him now that he stood

* Burnet's *History*, p. 761; *cf. Lockhart Papers*, I., pp. 92-97.

revealed, to their inflamed imagination, in the light of a traitor to Parliament, and an intriguer against his political opponents. The odium of the failure of the Court programme, in the last Session, likewise fell on his unlucky head. Godolphin resolved to replace him by the marquess of Tweeddale, the leader of the more moderate section of the opposition, and appoint Johnstone of Warriston lord register, in place of Murray of Philiphaugh; while Tarbat, now earl of Cromartie, was made sole secretary, and Seafield retained as chancellor. He set Johnstone to work to discover a practical expedient to give effect to the policy of securing the succession, at the price of a few limitations. Johnstone ransacked the records of Scottish legislation for a plausible plea, and found it in the statute by which Charles I. had bound himself, in 1641, to submit the nomination of his ministers and privy councillors for the acceptance, or refusal of Parliament. This meagre piece of legislative wisdom, set in a maze of circumlocutionary rhetoric, would serve the purpose of the English Government to the letter! Give it style, and lard it with a profusion of benevolent sentiments, and my lord treasurer is ready to stake his fortune on its success! Johnstone accordingly plied Rothes, Roxburgh, and Baillie with arguments in favour of this adaptation of the Act of Security; and Rothes, Roxburgh, and Baillie persuaded themselves that in it lay the salvation of Scotland. Their conversion was all the less miraculous, inasmuch as they were naturally disposed to favour any expedient that seemed to give Scotland a chance of redress. But to the majority of those that sent them to state their case, they appeared as traitors to the national cause. Men of the stamp of a Lockhart shouted turncoats, and cursed the folly of the duke of Hamilton in sending such representatives to London, and the seductive influences of the English Court, by turns.*

* *Lockhart Papers*, Vol. I., p. 96, *et seq.* Clerk also ascribes a mercenary character to this agreement. "The public good and the liberty

Party manipulation had meanwhile been at work at Edinburgh for the purpose both of strengthening and counteracting the new policy. Tweeddale and his confederates laboured hard to bring about a secession from the ranks of the Country Party. They succeeded in gaining over Belhaven, Dundas of Arniston, Cockburn of Ormiston, the marquess of Montrose, the earls of Haddington and Selkirk, and about a score more of their old associates. They called themselves the New Party, in contradistinction to the old Government supporters, that followed Queensberry and Argyle. They confidently looked forward to be able to carry the succession in the coming Session, but they proved themselves singularly deficient in political sagacity. They had entirely misjudged the temper both of their old friends and their former opponents. The former were furious at what they regarded as a treacherous surrender of the just demands of Scotland, and steeled their minds against every proposal of compromise. "Bad as Scotch affairs are considered in London, I find them infinitely worse than I had reckoned," is Johnstone's comment to Godolphin after his arrival in Edinburgh.* A number of the latter was swayed by other influences to join them in opposing what they had hitherto contended for. The ex-commissioner wisely stayed in London to avoid the obloquy which the followers of Hamilton and Athole heaped on his name. But his trusty henchman, Murray of Philiphaugh, was seen coquetting with, of all men, the earl of Home, the recognised chief of the cavaliers. The spectre of the plot made Queensberry and his friends uneasy, in prospect of a parliamentary debate. They were eager to forestall the

of the subject were still in their mouths, but in their hearts they were known to have Court preferments and places in the chiefest degree of veneration. These were the springs and motives of all their actions, which appeared in a hundred instances thereafter."—*Memoirs*, p. 47. The letters of Baillie of Jerviswood are, however, a sufficient justification of their patriotism.

* *Add. MSS.*, 28055, f. 78.

threatened inquiry, and they could only do so by gaining the duke of Hamilton and the cavaliers to a policy of silence. They succeeded, at the cost of swallowing their political convictions. They patched up an agreement that they would join in opposing the succession, in return for a promise of silence on the subject of the plot. This intrigue proved fatal to the tactics of the New Party, which was destined to find itself in a minority, in spite of all the efforts of Godolphin to support them.

The Session was opened by the marquess of Tweeddale on the 6th July. It was adjourned to the 11th, owing to the paucity of members. On that day the queen's letter was read to a full and expectant House. It complained that, instead of the adjustment of party animosities, to which her majesty had exhorted on a former occasion, "the rent had become wider". Nay, the spirit of division had grown so marked, "as to prove matter of encouragement to our enemies beyond sea, to employ their emissaries among you, in order to debauch our good subjects from their allegiance, and to render this, our ancient kingdom, a scene of blood and disorder, merely (as they speak) to make you serve for a diversion". Her majesty was ready to believe that these seditious machinations were confined to desperate men. She was, therefore, all the more willing to approve every reasonable measure in the interest of good government, and had fully empowered her commissioner to give her assent to all laws deemed necessary for the security of Church and State. She was persuaded that Parliament would second her efforts, and show to the world that it was animated by the spirit of patriotism and loyalty. She earnestly impressed on them the pre-eminent importance of settling the succession in the Protestant line, "as that which is absolutely necessary for your peace and happiness, as well as our quiet and security in all our dominions, and for the reputation of our affairs abroad, and consequently for the strengthening of the Protestant interest everywhere". Every reasonable provision for securing

the sovereignty and liberties of her ancient kingdom under her successor would have her approval, and she did not doubt but that they would insure the defence of the country, by a grant for the efficient maintenance of the army, and the repair of the fortresses.*

The commissioner emphasised in his speech the royal concern for the public good. Godolphin's plan of dropping the patronising tone for one of unalloyed benevolence received ample justice at the hands of the marquess. He did his utmost to heighten the impression that the queen and her English advisers were entirely actuated by consideration for the interests of Scotland. He assured his listeners that there need be no disharmony between crown and Parliament, in view of the evident unity of sentiment towards the welfare of the nation, which animated both. He concluded with a promise that the persons concerned in the late plots, and the papers bearing on it, would be sent down for examination, and expressed the hope that the inquiry would be conducted with moderation and temper, and conduce to allay all misunderstandings and fears. Seafield added a similar commentary on the royal message, in the hope of disposing the House to comply with its exhortations. Cromartie followed with a timely appeal for civility in discussion, in reference to the heats of the former Session, and read the House a pointed lesson on the text *Impedit ira animum.* He strove to disarm suspicion of the motives of the queen in urging so earnestly an immediate settlement of the succession in favour of the house of Hanover, and digressed to the scholastic theology in order to rebut the insinuation that her majesty possessed both a "secret" and a "revealed will".†

The united eloquence of queen, commissioner, chancellor, and secretary, with Godolphin and Harley for

* *Acts of Parliament*, XI., pp. 125-26.

† These speeches are given in Boyer's *Annals of Queen Anne's Reign*, Vol. III., pp. 13-21.

souffleurs, broke in vain on the ears of these choleric legislators. They were determined not to allow the remembrance of their grievances to be buried under a garland of royal and official assurances. Fletcher had insisted to some purpose on the importance of the question of the succession, in making Scotland the arbiter of the situation. The emphasis laid in the letter on the necessity of Scottish co-operation with England, on this question, only confirmed their conviction. To surrender this vantage ground, without all the securities insisted on in the last Session, would be to desert the citadel of the Scottish position. The secession from the ranks of the opposition had not conduced to the unimpassioned consideration of any proposal brought forward by men, who were regarded as deserters from their associates in the struggle for Scotland's rights. The rankling memories of English transgressions, the resentments begotten by disunion, thus combined to steel the determination to exact the full satisfaction of their demands. They were in the mood of men who have an old score to settle, and were resolved to have their pound of flesh. On this ground they had refused to abjure the Pretender in the Rump Parliament, and for this reason they now repudiated any terms short of the Act of Security, or a satisfactory union. As Marchmont explained to the duke of Devonshire, these reminiscences put compromise for the present out of court.* Parliament, they were deter-

* "As to the affairs of this kingdom when God took away King William, the people of this nation were in a very chagrine humour upon account of the Darien affair, and of unkind treatment which they thought they met with from England in that matter. This did naturally enough lead to speculations not so much as heard before, upon all the disadvantages this nation has been under, or may be liable to, by the union of the two crowns. The reason of several bad consequences was readily judged to be an error in the first concoction, that this nation had not settled necessary terms a hundred years since, when King James came to the crown of England; and that next, at King Charles II.'s restoration, the Parliament here had passed from, and quitted the regulations of Government assented to by King Charles I. in '41. The reflection on these things brought all of us who had the greatest hand in what was done here upon the happy Revolution, under

mined, would only settle the succession in terms of the Act of Security, or in virtue of a treaty which should first guarantee to Scotland a share in English trade privileges.

The duke of Hamilton precipitated the contest. On the 13th he moved "that Parliament will not proceed to the nomination of a successor until we have had a previous treaty with England, in relation to our commerce, and other concerns, with that nation". He professed his respect for the conciliatory tone of the queen's letter; but no policy could be acceptable to Scotland that did not satisfy its reasonable demands, on the lines of this motion. If England was sincere in her professions of benevolence, let her do justice to Scotland, and make amelioration possible, by yielding equable terms of partnership. Such a demand cut the ground from under the men of compromise, and nullified the hope of the Government of evading an issue by half measures. They were taken by surprise by this decisive action, which left no time to tamper further with the allegiance of their opponents. The chancellor said something about withdrawing. "Withdraw!" cried Hamilton. "I will not withdraw, but will have a discussion and the sense of Parliament on't." * He was zealously supported by Fletcher. Belhaven and Cromartie urged the desirability of giving time for consideration; and ultimately the duke agreed to allow the motion to lie on the table, on condition of its being considered the first thing next sitting. He accordingly returned to the charge on the 17th. He was met by a counter resolve, proposed by the earl of Rothes, in favour of settling the question of the succession, on the terms of the Government policy,

such censure and blame for not taking that occasion to secure what had been lost. These considerations brought all thinking people to conclude that the entail of the crown, being no further settled than the heirs of her majesty's body, it is absolutely necessary at the making of a new entail, to fix and establish such terms and conditions as have been formerly, and are still found necessary for the interest of this kingdom."—*Marchmont Papers*, Vol. III., p. 275.

* Hume's *Diary*, pp. 138-139.

prior to broaching the question of a treaty. It expressed the determination of Parliament to proceed, in the first place, to the consideration of such conditions of government as might be judged proper for rectifying the constitution, and vindicating and securing the sovereignty and independence of the nation. The two resolves were tossed about on the waves of stormy contention, as the heated orators gave vent to the warring elements of their passions. Fletcher grew fierce and pathetic by turns, as he once more passed in review the sorrows of his country since the union of the crowns, and denounced as subterfuge anything short of a radical remedy.*

At length it recurred to lord Phesdo that, instead of pitting the motions against each other, they might be conjoined, as equally appropriate and necessary. At his suggestion, Hamilton added the Government proposal as a clause to his own. The debate then degenerated into a lengthy wrangle over the question whether a vote should be taken on them jointly or separately. Such a "jangle," as Hume of Crossrig expressively designates such scenes, was a frequent diversion in that last volcanic Parliament of Scotland, and turned dignified legislators into a set of wrangling pedants for the time being. The Government laboured to prolong the discussion, with a zeal worthy of a conclave of sophistic schoolmen. Ultimately, "the chancellor, Marchmont, Sir John Home, and others having spoken much," † one member challenged a decision. He declared, amid the applause of the majority, that he would not sit down until the demand for a vote was granted.‡ The chancellor yielded, and the House decided by forty-two to proceed to the consideration of the rival motions as one, of which Hamilton's formed the first clause. With an equally elaborate expenditure of energy, it expressed its approval of this adjustment by a majority of fifty-five; and

* Lockhart's *Memoirs*, pp. 116-117.

† Hume's *Diary*, p. 140; *cf. Acts of Parliament*, XI., pp. 127-128.

‡ Lockhart's *Memoirs*, p. 120.

the Government found its policy of compromise hopelessly nipped in the bud. The feeling of the nation was dead against its tactics, if a judgment might be hazarded from the popularity of the champions of no surrender with the crowd that gathered in the High Street to hear the result. On emerging from the Parliament Close, the duke and his friends were received with a great outburst of cheering. His grace's carriage was escorted down the High Street and Canongate to the Abbey of Holyrood by a band of enthusiastic admirers.

At the following sitting, on the 19th, the earl of Marchmont rather astutely raised the cry of the Protestant religion in danger, as an argument in favour of decreeing the succession, at least in the Protestant line. He expatiated on the risk of playing into the hands of a popish pretender, who had the patronage of the Grand Monarch at his back. He held up the scarecrow of a French invasion, and appealed to the memory of persecution by absolute kings in alliance with France. Much was said in denunciation of English influence that might, with better foundation, be directed against the danger of French influence. "My lord," he exclaimed, "I see many here may remember, if they please, the frequent tragedies that were enacted among us some twenty years ago. I am sure there are several of us whose nearest relations were sacrificed to the despotic and arbitrary will, the revengeful resentments, of Popery and its principles. It was then that the orders to prosecute, execute, to hang, draw, and quarter, and to shed the best blood of this nation without, nay against any law, were by a prerogative royal without reserve. I see some here were banished and forced to wander in exile, and beg shelter from foreign princes, whose families were dispersed and ruined, whose estates were torn in pieces and given to strangers—men of another communion. Can these melancholy reflections be forgot so soon by ourselves, who were the martyrs? A spirit of delusion seems to cover the eyes of our understandings, till we fall a second sacrifice to the

same bloody actors. I speak for, nor against, no party of men: but, my lord, it is high time for us to consider how to barricade ourselves against the assaults of the common enemy—France and Popery. . . . Wherefore I move it may be considered and finished before the House proceed to any other business."

The seconder of the motion frankly avowed the change of front of the New Party. He even ventured to suggest the name of the Electress Sophia as the successor, unabashed by the furious dislike to the proposal manifested in the previous Session. He pleaded with passionate eloquence for the immediate settlement of the succession in her favour, in the interest of religion, and even of patriotism. "'Tis certain, my lord, whoever is for pressing a union or a communication of trade at this time is diametrically opposed against the settling of the succession. . . . On this point depends the security of all that is dear to us, both spiritual and temporal, at home and abroad; and whoever is against it, without all manner of doubt, are enemies at bottom to our queen, to our religion and government, and to the people of this kingdom and their posterity. The person, my lord, who, I presume, you will think fit to name for a successor, is her royal highness the Electress Dowager of Brunswick and Lunenburg, the Princess Sophia. She is the next Protestant of our own royal family, whose mother was a native of our own country, born at Dunfermling. Her highness' blood is truly royal, her inclinations and heart, as I am credibly informed, are entirely British; and, my lord, we can go nowhere else for a successor, but to her and the heirs of her body." *

* Boyer, who has preserved these speeches (*Annals*, Vol. III., pp. 22-23), does not give the names of the speakers. The first was evidently by Marchmont, one of the most persistent champions in Parliament against Popery, see Hume's *Diary*, p. 138. "My lord Marchmont had a discourse, showing the danger of delaying a nomination. There was a popish pretender, back't with the power of France, which should make us concerned in this matter"; *cf.* p. 141. "The earl of Marchmont

His eloquence and his passion were alike without avail. The opposition was not shaken by an outcry which they rated as a party manœuvre, though Marchmont had always signalised himself by his zeal against the Pretender, on ecclesiastical grounds. They would allow no appeal even to religious prejudices, which were then so powerful, to frighten them into precipitate action. The appeal of Marchmont was well fitted to make converts, if the nationalism of his opponents had not been steeled in the mould of animosities, still more deeply rooted than their religious beliefs. Had not Fletcher boldly declared that the religion of the successor was nothing to him in comparison with the limitation of the prerogative? This was the spirit of the fiercer members of the Country Party. The blast of ecclesiastical terrors failed to impress the phalanx behind Hamilton and the laird of Saltoun. The duke disclaimed the intention of favouring a popish pretender. Did not the Claim of Right amply safeguard the nation on this point? Had it not shut out a votary of Popery from the throne of Scotland? He would draw his sword as readily as any man there in defence of that claim and of the Protestant religion. Moreover, he had every motive of self-interest to do so; for would he not, according to the entail, lose his estates, if he turned papist? *

In accordance with the resolution to defer the nomination of the successor till the conclusion of a treaty, Fletcher presented, at the next sitting on the 21st, an

moved, That seeing the House had gone into a resolve not to nominate the successor, that something might be thought upon to clear the Protestant Parliament from all suspicion of inclining to a popish successor." The Electress was evidently beginning to despair of her chances of succeeding to the throne of Scotland. See her letters to earl Melville in *Melville and Leven Correspondence* (Fraser), II., 55-59. She laid emphasis on her Scottish blood in her claim to the allegiance of Scotland. "Je compte beaucoup sur l'affection des Escosois, puis je suis de sang d'Ecosse."

* Hume of Crossrig's *Diary*, pp. 138-139; *cf.* Tindal's *Continuation*, Vol. XXI., p. 20.

Act for the appointment of a Commission to negotiate. A more urgent question, however, than the treaty, or the nomination, was that of supply. The army was clamouring for the arrears of its pay. Its discontent was verging on mutiny; and even the patriots could not contemplate such an issue without serious concern. With a great continental war raging, it was dangerous to push the policy of obstruction to an extremity, and perhaps expose the country to the horrors of an army in rebellion. The duke of Hamilton therefore moved for the consideration of a resolve, presented during the previous sederunt, to grant two months' supply for the subsistence of the troops. A majority of twenty-two increased the grant to six months' cess, and gave an Act to this effect a first reading. At the same time, the majority were resolved to make capital out of the straits of the Government; and at the following sitting, on the 25th, the duke moved that the Act of Security, with the clause, referring to the communication of trade, omitted, as being already covered by the resolve in relation to a treaty, might be read, and added to that of supply. Though the expedient of "tacking" some urgent measure to a money bill was new in Scotland, it had become a favourite remedy with the House of Commons for breaking the opposition of the Peers to the will of the Lower House,* and had arisen in the days of the spendthrift Charles II., whose extravagance led him to propitiate the long-suffering of the Commons by this expedient. But it was a new departure in the Parliament House, and it was now the turn of the Government to complain of the adoption of devious courses by their opponents. They were told that all laws were at first novelties, and novelty was good if it afforded a means of advancing the welfare of the nation. Johnstone laboured to prove that whilst the practice might be admissible in England, where there were two Houses of Parliament

* Burnet, *History*, p. 722; *cf.* Evelyn's *Diary*, p. 578.

in frequent opposition, it was unworkable and unwarrantable in a single legislative body like the Scottish Estates. It would be impossible to obtain a free vote in a case in which a member might be in favour of one Act, but opposed to the other, were both conjoined and submitted as one issue. In the same way, it tended to constrain the decision of the sovereign.

The lord register's reasonings gave Fletcher a welcome opportunity of charging the speaker with servility to the English Court. He accused him of subordinating the interests of his country to the pre-arranged policy of Godolphin. A characteristic scene ensued. "It appears," exclaimed Fletcher, "that there must be a bargain, and unless the Parliament go into the measures laid down in England, nothing must be done; nay, he who spoke last has undertaken to obtain these measures to be performed here, in prosecution of the House of Lords' address." "I have not undertaken any such thing," was the reply; "it is a mistake to think these measures are the result of the House of Lords' address; for her majesty being aspersed, as if she had other designs, declared about Christmas, long before the House of Lords' address, and my own concern in public business, that she would recommend it to her servants to obtain the Protestant successor settled in Scotland." "I know, and can make it appear," insisted Saltoun, "that the register has undertaken to prosecute the English designs for promotion to himself." "It is known I've lost a higher place for my concern for the country," retorted Johnstone. Some shouted that Saltoun should go to the bar for accusing a member. "The queen's letter to the Parliament," continued Fletcher, "was written when no Scotsman was about her, and so behoves to be by English influence." "It came up to the queen from Scotland," returned Johnstone; "there is no Englishman would be at the pains to draw a letter." Saltoun still insisting, Sir James Hacket shouted that he was im-

pertinent. "He that calls me impertinent is a rascal," was the retort. The House being alarmed at such expressions, Sir J. Erskine moved that Fletcher and Hacket should be taken into custody. The chancellor administered a sharp rebuke to both; and the episode ended in reluctant apologies, each declaring his contrition, and promising upon his word of honour not to take any notice of it outside the precincts of the House.*

When calmness was restored, lord Ross asked the House to agree to a resolve to grant two months' cess forthwith, and add four months when the Act of Security should have received the royal assent. Ultimately, after Tweeddale had intimated that he felt it incumbent to acquaint the queen with the state of affairs, the majority adopted a counter resolve of the earl of Roxburgh, that the Act of Security be read a first time, and that neither it, nor the Act of Supply be further proceeded with until her majesty had made known her will in regard to the former. The question of tacking was left open till the royal decision should be announced.

There was no little trepidation in the English Cabinet at this undeniable failure of the policy of benevolent compromise. Godolphin and his colleagues were forced to the conclusion that they must yield all that they had hoped to shirk. The army must be disbanded if supplies were not immediately forthcoming. The troops in Scotland did not exceed 3000 in number, but to disband them would be to risk open rebellion. Marlborough was on the eve of fighting one of his greatest battles. A French victory might inflame the hopes of the Scottish Jacobites, and pave the way for an invasion of Scotland. "Scotland, on one side," complains a contemporary scribe, "is armed and angry; France, on the other, is watchful and ready, with a powerful fleet and a bold pretender; and we ourselves so weakened and divided as to make the event of

* See Hume's *Diary*, pp. 147-48.

things in such a juncture uncertain."* In these circumstances, the safety of the country must be seriously imperilled by further obstruction. The Scottish ministers urged the queen to give way. Godolphin shrank from the responsibility of advising refusal. Only an adjournment could silence the storm of defiance, which any attempt to trifle with the declared will of Parliament would conjure, if even an adjournment were possible in the temper of the nation. The bellicose orators of the Parliament House perorated with their hands on the hilts of their swords, and might not shrink from drawing them in the assertion of their rights. Had the news of the great triumph of Blenheim arrived a month earlier, Godolphin might have preserved his equanimity, and answered threat with threat. Marlborough and Eugene had not yet crushed the Elector and Marshal Tallard. My lord treasurer reluctantly acquiesced. The queen sent down her mandate to pass the objectionable Act of Security. It was accordingly touched with the royal sceptre on the 5th August, and a supply for six months voted unanimously.†

Having thus propitiated the fervour of its national sentiment, the House felt that it could now treat with England on equal terms. Fletcher's motion for the nomination of eight commissioners to be selected from each Estate, and to meet, at some place on the borders, a like number from England, had already received a first reading on the 4th August. The second reading was moved on the 8th. The motion, instead of throwing oil on the troubled surface of international resentments, was the unlucky instrument of bringing on a passionate altercation over the plot. Athole had during an early sitting called the attention of the House to the accusation against some of its members, and demanded that the papers should be laid before them.

* Great Britain's Union and the Security of the Hanoverian succession in a letter from Windsor, 30th December, 1704, to a member of Parliament in London by a person of quality, Somers' *Tracts*, XII., 509-10.

† *Acts of Parliament*, XI., pp. 136-7.

Fletcher had seized the occasion to thunder against the presumption of the House of Lords in sitting in judgment on a matter concerning Scotland. The episode had been allowed to pass on the strength of Tweeddale's assurance that he would convey the wish of Parliament to the queen. Queensberry, however, had been exerting all his influence to prevent compliance. He represented that the discussion of the plot would arouse so much passion, and lead to such lengthy debates, that the settlement of the succession would be rendered impossible. He relied on the understanding between his friends in the Scottish Parliament and the Cavaliers, to stave off the invectives to which an inquiry must expose him. The queen found pretexts for avoiding the request;* but neither the royal reserve, nor the manipulations of the ex-commissioner's followers were effectual in preventing an explosion. The Government saw in this touchy subject a means of throwing discord into the ranks of the majority. Belhaven, therefore, opposed the motion for the nomination of commissioners to treat with England, on the ground that those members, who had been tainted by suspicion, or charged with conspiracy, could not be nominated, unless they were cleared of the insinuations or accusations made against them. He gave a long account of the plot; and specified Hamilton, Athole, Queensberry, Annandale, Leven, the laird of Grant, and himself, as unfit, in the present dubious circumstances, to serve as commissioners.

This was sufficient to set the House on fire. The electric atmosphere resounded with angry disputings. Hamilton was stung into a violent speech. He averred that not only those mentioned by the noble lord, but all who had voted for the Act of Security in the previous Session, were tainted by suspicions of treason. He produced, and read a copy of Queensberry's letter to the queen in support of his assertion. Fletcher interposed to point out that the

* See *Cromartie Correspondence*, I., 238, *et seq.*

fountain of the evil lay in the interference, by the House of Lords, in Scottish affairs. He discoursed at length on this congenial theme, ending with a resolve that the action of the House of Lords, in addressing the queen on the subject of the nomination of a successor to the crown of Scotland, and the examination of the plot, "was an undue intermeddling with our affairs, and an encroachment upon the sovereignty and independence of Scotland; and that the behaviour of the House of Commons in these matters was like good subjects of our queen, and as neighbourly friends of this nation". The Peers were not without apologists. Marchmont and Stair laboured to prove that the affair concerned England as directly as Scotland, and that the address to the queen was in reality an acknowledgment of the independence of the Scottish Parliament. It could no more be interpreted as an encroachment on the sovereignty of Scotland, than an address from her majesty or the Dutch States-General to the emperor, on behalf of his subjects of Hungary, could be regarded as an assumption of the dependence of his imperial majesty on England or Holland. Annandale refused to believe that the Commons were actuated by any regard for the credit of Scotland. Nay, their action was directed by Sir Edward Seymour and his friends, who had declared their contempt of this kingdom.* The duke of Hamilton reminded the last speaker that he was answerable to the grave charge of having suborned David Baillie to swear a false accusation against himself and Athole. Annandale indignantly challenged him to repeat his words at the bar. There were loud cries that Baillie should be brought face to face with the member whom he had slandered. Hamilton disclaimed any imputation; but insisted that there was all the more reason why the plot should be inquired into, and the innocent cleared. The debate gradually veered back from these personal recriminations, to the issue before the House. It was

* Hume of Crossrig's *Diary*, pp. 152-53.

objected that the proposal to thank the House of Commons for defending the rights of Scotland, was derogatory to the honour of the Parliament, and suggestive of interference in English legislation. Ultimately the clause commending the Commons was dropped in deference to these objections, but the censure of the Peers was passed by a large majority.

During several subsequent sittings, the demand was repeated for the production of the papers concerning the plot; but the queen did not give the House an opportunity of further dispute on a subject, which savoured as much of party rancour as of treason. Her refusal had the effect of delaying the nomination of commissioners, and thus of divesting the Act of Security of any palliative in the eyes of England. The Scottish Parliament seemed to have assumed a tone of unmitigated defiance. It had spurned conciliation; it had declared its ultimatum; and it looked as if it wished its mighty rival to cherish the impression that it was not in the least concerned as to the consequences. Its further action in passing an Act allowing the exportation of Scottish wool in competition with that of England,* coming after the Act of the former Session, in favour of the importation of French wines, was an additional thrust at English susceptibilities, which could not fail to set English patriotism and self-interest on edge. Instead of attempting to make the Act of Security palatable, the Session ended on the 28th August with a remonstrance to the queen against the misdeeds of the Lords. Parliament testily represented to her majesty "our great disappointment in not having the original papers, concerning what was called in England by the House of Peers the Scotch conspiracy, laid before us, and the persons who were examined in that matter sent hither; for which there was application made in the beginning of this Session. We therefore humbly lay before your majesty the concern of the whole nation in this affair, in which the intermeddling

* *Acts of Parliament*, XI., p. 190.

of the House of Lords having been declared, in a resolve in this Session, to be an encroachment on the independency of the nation, and your majesty's prerogative as queen of Scotland; that you will, in your majesty's great wisdom, take such measures as may effectually prevent all such meddling in the future. We do also take leave to offer to your majesty our opinion that nothing can obstruct more our coming into the measures that have been recommended by your majesty, in relation to the succession, than the House of Lords their proceeding to make more encroachments of that nature. And we do humbly entreat your majesty, that all the persons and papers relating to that affair that have been examined in England may be sent hither at the meeting of the next Session of Parliament, that the matter may be examined to the bottom, and those that are unjustly accused may have right done them, and those who are guilty be punished according to their demerits." *

The policy of compromise had proved to be premature. The suspicion of acting under English dictation, rather than from patriotic motives, had lamed the efforts of the New Party to break the phalanx of the opposition. The selfish character of that influence was no doubt exaggerated. The motives of English statesmen, and those who acted with them in Scotland, were represented as self-seeking, when, in reality, there is apparent an earnest endeavour to place the international relations of the two countries on a more bearable footing. Men like Harley were profuse in their remonstrances against this jealous and suspicious interpretation of English policy. The new secretary unbosomed himself once more on this subject to his old friend Carstares during the course of the Session. "I know you to be so just," he wrote on the 20th July, "and so much a lover of your country, that you would not be averse to any one who is so great a well-wisher to your nation as myself. And this principle, I confess, gives me much concern about

* *Acts of Parliament*, XI., pp. 204-205.

Scotland; for, I can assure you, I have no other motive. It is strange, and to be wondered at, that men should run into destruction with their eyes open. The only thing that can preserve them, and unite all of the Revolution principles, is the succession; and yet, because England suggests it, that is the reason—which were reason enough for it without any other—that must be given against it." *

The international history of the previous century had, nevertheless, afforded but too good ground for the attitude of resentful suspicion on the part of Scotland. Fletcher, as we have seen, could give substantial historical reasons for his denunciation of the motives of the English advisers of a Scottish king. Tweeddale and Godolphin had, moreover, reckoned without their host when they assumed that a few trifling limitations would suffice to obliterate the past, or that the supporters of the Queensberry Government would transfer their allegiance to the new commissioner. They forgot that the men, who placed in Queensberry, or Murray of Philiphaugh, their hopes of personal advantage, might turn against Tweeddale and Johnstone as the surest means of making themselves and their leaders indispensable. They were encouraged in this attitude by a report, which was industriously circulated, that the policy of conciliation was merely an expedient to filch supply. The English Government, it was asserted, was not sincere in its zeal for the Hanoverian succession; and Johnstone was accused of "talking openly one way, and acting secretly another".† The plot afforded them a handle to an agreement with their former opponents. They thus elected to fill up the gap made by the New Party in the ranks of the Countrymen, and reduce the Tweeddale Ministry to impotence.‡

* *Carstares Papers*, pp. 728-729.

† Burnet's *History*, p. 764.

‡ See a pamphlet, *Reflections on Lord Haversham's Speech*, for a diagnosis of the opposition motives of this Session.

CHAPTER VI.

ENGLISH RETALIATION AND MUTUAL ANIMOSITY (1704-1705).

THE determined attitude of the Scottish Parliament at length made England furious. Three months after its adjournment, the Lords and Commons met at Westminster, in a very retaliatory mood, to discuss the Act of Security. That Act was interpreted on the south side of the border as a threat of war. It was not meant as such on the part of Scotland, though her legislators did not concern themselves about its interpretation. It was advocated by the Country Party solely in the interest of their own country, and was intended to bring about, by constitutional means, a sorely needed national regeneration. The clause respecting the arming of the nation might seem equivalent to a resolution to resort to the decision of the sword. Fletcher had, indeed, warned his fellow-legislators that Acts of Parliament would effect little, unless backed by a show of force. But there was another consideration, which amply justified the equipment of a national militia, and might have commended it to the approval of England. As Marchmont pointed out, in a letter to Lord Somers,* it was absolutely needful, in order to preserve the peace of Scotland, and ward off attack from England itself, in view of the menace of a French invasion. Whilst the Highlanders, whose allegiance appeared so questionable in the light of recent seditious intrigues, were well armed, the population of the Lowlands was practically defenceless.

* *Papers*, III., p. 282.

A Jacobite rising must, in these circumstances, prove a grave danger, not only to the security of Scotland, but of England. The equipment of a national militia was thus justified, in the interest of the Revolution Settlement in both countries. In another letter to the duke of Devonshire, he raised a note of warning against a precipitate judgment on the part of the English Parliament. Protestant Scotland was loyal to the Claim of Right, but the present heated temper was not fitted to bear any strain on that allegiance.*

But how can you justify your Wine Act and your Wool Act? cried the indignant English patriot. Is not your trade with France an insult to the honour of England? It might be so from the sentimental standpoint; but expediency, and not sentiment, is of necessity the guiding influence on the action of nations, whose interests happen to come into conflict. While England had been growing in wealth, Scotland had remained poor; and, rightly or wrongly, she attributed her poverty to the hostility and selfishness of her neighbour. If expediency made England jealous of her commercial privileges, she could not reasonably object if it also actuated Scotland to attempt the amelioration of her depressed prosperity. If the Scottish Parliament went the length of opening trade communication with France, its action might be denounced as impolitic and unpatriotic. On the principle of self-interest, England could not consistently blame, though she might resent it, if she insisted on placing Scotland on the same footing with France in regard to the Navigation Act, and on jealously barring all participation in the benefits of the trade with the Plantations. If the Scots felt that intolerable injury was inflicted on their national sovereignty and the liberty of their Government by a joint kingship, they were surely justified in taking measures to obviate its continuance. They might be unreasonably touchy and suspicious. But no impartial judge will maintain that

* *Papers*, III., p. 275, *et seq.*

they had not grounds for suspicion and resentment. The miserable condition of the country was a sweeping condemnation of the past, and amply explains the decisive terms of the Act of Security. You demand, reasoned these stern Parliament House men, that we settle the succession on the strength of vague assurances, which it suits your interests to make. We have become too acute to trust your benevolent intentions. We consider ourselves the best judges of the interests of our country. We want improved conditions of partnership; and if you deny us, we shall do our best to compel you to yield them.

England was too angry to take an exonerating view. She resented the Act of Security as a threat and an insult. The equipment of the Scottish militia was accepted as an evidence of hostile intention.* Rumour added its exaggerations to the enormity of this piece of effrontery. The clubs and the public prints resounded with alarming reports. The duke of Athole, it was said, was busy drilling his Highlanders, and could dispose of 7000 well accoutred followers! Sixty thousand men, well armed and officered, were ready to take the field against England! Thirty thousand stand of arms, and 10,000 barrels of powder, had been purchased in Holland!† Conspiracy was busy hatching its dread designs, and paving the way for the revival of the Franco-Scottish alliance, and the landing of King James VIII. Where did all this money come from, if not from Versailles? De Torcy, the powerful minister of Louis XIV., was a second Richelieu; and the

* This interpretation was justified so far as the attitude of the Jacobites was concerned. They really favoured separation, and hoped for war as the result of the Act of Security.

† Defoe, *History of the Union*, pp. 84-87; *cf.* Burnet, *History*, p. 763. According to the *Hooke Correspondence*, the Scots sent to Holland for supplies of arms and ammunition, but were refused. According to the same authority, the refusal of Colonel Ferguson to obey Marlborough's orders to carry his regiment from Holland to Portugal, was in deference to the defiant attitude of the Scottish Parliament.

tactics of 1638, of paying Scotland to attack England, were being repeated in 1704!

The militia were indeed being organised, and 500 barrels of gunpowder had been purchased for the castle of Edinburgh; but no one in Scotland, except the Jacobite reactionaries, dreamed of using his powder to the detriment of England, and for the benefit of the Pretender. Rumour and fact together, however, contributed to dispel the long eclipse of Scottish prestige. "Scotland," says Defoe,* "began to be talked up in the world a little; and these very enemies, who, as they thought, wounded her by talking up the formidable things this Act of Security might produce, really raised her reputation. . . . In their alarming England at these mighty things, they really raised the reputation of Scotland in the world, and made her begin to make a very different figure in the eyes of other nations; and there is no doubt had things gone on to a rupture, as wicked men on both sides wished, and good men began to fear, Scotland might have found some powerful princes willing to have accepted her crown, and to have in the meantime supported, supplied, and encouraged her to stand upon her own feet. But I shall do the gentlemen, who managed this affair, this justice, that I believe they had it not at all in their design to fly to the protection of any foreign power, no, not to any Protestant power in Europe, unless forced to it by the precipitant measures England was then in all probability going into, and if they had done it, then I cannot see how they could have been blamed. But as to the present state of things, the gentlemen who managed this part, seemed to me always to aim at obliging England to give them good terms, and to put themselves in such a posture in the world as

* *History of the Union*, p. 87. The eager efforts then being made by King Louis, through his emissary Hooke, to revive the Scoto-French alliance, are an evidence of the increase of Scottish prestige, and of the European influence of the events of the last two years.—See *Hooke Correspondence*, I., p. 372, *et seq.*

should make England see it was worth their while to do so, as well as that they ought to do so. And this was so just a step, and the aim so well taken, as by the consequences appeared, that I think it is the greatest panegyric that can be made on these gentlemen, to say, they brought to pass by it all the great things which God, in His providence, has thought fit to do towards our peace and happiness in this island."

The Act had the additional misfortune to be made in England a handle for party purposes. The Tories, who were largely adverse to the war with France, saw in it an expedient to discredit Godolphin and the war party. Here was a minister advising the queen to consent to an encroachment on the dignity and security of England! If it could not be proved that he had advocated approval of the obnoxious measure, capital must be made out of the fact that he had apparently not interposed to prevent its passing. Instead of the settlement of the succession, here was a threat of war against England, and evidence, sufficient for party wire-pullers, that the lord treasurer had hoodwinked the country and played into the hands of the enemy! Through the sins attributed to Godolphin, the anti-war party might also strike at Marlborough, and overwhelm both with unpopularity, as the supporters of a policy of surrender to Scotland for the sake of the French war.*

On the 20th November, lord Haversham requested a full attendance of the Peers to listen to a statement on the state of the country. The anxiety excited by the Act of Security may be gauged from the fact that a crowded audience assembled, three days later, to hear a speech, the burden of which was the alarming attitude of the rebellious Scots. The intention of the speaker was evi-

* Burnet's *History*, p. 763. On the spirit of dissension, which resulted in the disruption of the Tory Cabinet of Queen Anne, and the opposition and obstruction of the malcontents to Marlborough and Godolphin, see Coxe's *Marlborough*, Vol. I., pp. 197-208, 365-377.

dently to censure Godolphin and his colleagues, by making them responsible for the doings of the Scottish Parliament. Whatever might be said about the exaggerations of Scottish touchiness on the score of English interference, it was evidently regarded as a maxim in the English Parliament that my lord treasurer and his fellow-ministers were the accepted mentors of the Scottish Ministry. He recounted the history of the last Session of the Scottish Parliament, which, favoured by the weakness of a motley Ministry, had "postponed and baffled" the succession, and had passed a bill of exclusion under the specious title of an Act of Security. He insinuated that neither the Scottish Ministry, nor their English advisers, were sincere in their policy of compromise on the question of the succession. "There are two matters of all troubles," he concluded, "much discontent and great poverty; and whoever will now look into Scotland, will find them both in that kingdom. 'Tis certain the nobility and gentry of Scotland are as learned and as brave as any nation in Europe can boast of; and these are generally discontented. And as to the common people, they are very numerous and very stout, but very poor. And who is that man who can answer what such a multitude, so armed, so disciplined, with such leaders, may do, especially since opportunities do so much alter men from themselves? And there will never be wanting all the promises, all the assistance France can give. . . . In short, my lords, I think every man wishes these things had not been, and in my opinion there is no man but must say, they should not have been. I shall end with an advice of my lord Bacon's. Let men, says he, beware how they neglect or suffer matter of trouble to be prepared, for no man can forbid the spark that may set all on fire." *

The Peers were divided in opinion on this reflection against the Government, but agreed to devote the sitting of the 29th November to the consideration of the Act of

* *Parliamentary History*, Vol. VI., pp. 369-370; *cf.* Boyer's *Annals*, III., pp. 159-162.

Security. Godolphin took the precaution of moderating the expected attack on himself by the attendance of the queen. Accordingly, her majesty came without ceremony to the House, and took a seat by the fire during the debate. A lengthy discussion ensued over the proposition of the earl of Rochester, to have the Act of Security read. Godolphin opposed this, as involving an assumption to review the proceedings of the Scottish Parliament. He admitted that the Act was fitted to bring in its train consequences dangerous to the peace of England, but adduced the difficulties of the question, and reminded his listeners that anything that tended to augment the irritation of the Scots would only aggravate the situation. Remedial measures would effect more than severe treatment in curing the national distemper. The reading of the Act was accordingly waived; but its pernicious tendencies were expatiated on by Nottingham, Rochester, and other opponents of the Government, who seemed to possess a remarkably more profound acquaintance with the aims and motives of the Scottish legislators than these legislators themselves. It was pointed out, in reply, that the refusal to grant it would have exasperated the Scots to the point of rebellion. "Then," retorted Nottingham, "if the Scots had rebelled, they would have rebelled without arms; whereas if they have a mind to rebel now, the Act has legally supplied them with the necessaries to maintain rebellion." Godolphin reiterated that there was no alternative in the face of an empty Scottish treasury, a discontented army, and the difficulties of a foreign war. He was charged with the evils likely to result from passing it. These evils were merely contingent, but let them consider what would have been the consequences of not passing it.* However ill the prospect might appear,

* There may be some truth in the view (Elliot, *Life of the Earl of Godolphin*, p. 287), that Godolphin advised the acceptance by the queen of the Act of Security "as a portion of a premeditated scheme, which was to

it was not without remedy. Burnet, the bishop of Sarum, broke a lance for his native country. He insisted that the present strained relations was the result of the unworkable conditions of government in Scotland, since the accession of James VI. to the throne of England. Scotland had been badly governed ever since the union of the crowns; and now retribution was at the door. The Scots had vainly demanded amelioration these hundred years back. Their demand was born of a deep feeling of injustice. The action of that House in thwarting the Darien enterprise had not tended to soothe this feeling. The Act of Security might be defended on the ground of necessity, but this could not be said of the equally obnoxious Act anent Peace and War; yet it had been allowed to pass without protest. Somers protested against the opening of trade with France as derogatory to the dignity and interest of England; but he deprecated hasty action, and moved an adjournment, to allow time for consideration.*

On the 7th December the Lords went into Committee to discuss the measures best fitted "to prevent the inconveniences which might happen by the late Acts passed in Scotland". These Acts were again warmly criticised by Rochester and Nottingham, with a view to rousing the indignation of the House as much against Godolphin, as against the Scots. The queen, they insisted, had been ill-advised in giving her consent to them, and would have consulted her own greatness by spurning such advice. Resistance, not compliance, was the only attitude possible to England. Peterborough retorted that he should be sorry if the queen was taught that it was her duty to resist the will of Parliament. The Whigs, however,

lead to union". The tone of anxiety apparent at the attitude of the Scottish Parliament does not, however, support this assumption. The alternative of war was never absent from Godolphin's mind.

* See *Jerviswood Correspondence* for an account of these proceedings. *Cf.* Boyer. *Annals*, III., p. 163; *Parl. Hist.*, Vol. VI., p. 368, *et seq.*

though they disowned the bellicose party tactics of their opponents, were none the less resolute in vindicating the honour and security of England from what they considered the hostility of the Scots. If the Act of Security had brought the pressure of Scottish opinion to bear on England, it had likewise given them an opportunity of bringing the pressure of English opinion to bear on Scotland. Retaliation must hasten the settlement of the succession; and therefore the measures discussed during this, and several succeeding sittings, were framed with a view to bring Scotland to accept this alternative.*

They were prefaced by a resolution intended to take the edge off the policy of retaliation, and leave the door open for conciliation. On the motion of lord Wharton, the Committee declared their willingness to obviate "the ill effects of the Acts lately passed in Scotland," by empowering the queen to nominate commissioners to discuss a treaty of union, on condition that the Scottish Parliament took the initiative. They then applied the spur, which was to accelerate concession, by agreeing to the resolution of lord Halifax, that all Scotsmen, except such as were settled in England, Ireland, or the Plantations, or were employed in the army and navy, should be declared aliens, until the establishment of a perfect and entire union, or the settlement of the succession to the Scottish crown, in the same manner as decreed by English statute. They resolved, on the motion of lord Ferrars, to prohibit the importation of Scottish cattle and sheep, and the export of English and Irish wool to Scotland. They accepted that of the earl of Torrington, to empower the Commissioners of the Admiralty to fit out cruisers to seize all Scottish ships trading with her majesty's enemies.†

A bill embodying these resolutions was read a third time,

* *Jerviswood Correspondence*, p. 16.

† *Lords' Journals*, XVII., p. 596; *cf.* Bruce, *Report*, II., App. lv.; *Parl. Hist.*, VI., p. 372.

on the 20th December, and sent to the House of Commons. They followed it up with an address to the queen, representing the urgent necessity of taking immediate measures to put the border in a state of defence, and execute the laws against papists.*

Those who looked for a remedy in the hope that the Commons would once more intervene to champion the Scottish Parliament were doomed to disappointment. They did not wait for the deliverance of the Peers, but followed the example of decreeing a special sitting for the consideration of the Act of Security. They showed an even keener resentment. An audacious motion to censure the proceedings of the Scottish Estates found as many as 151 votes in its support, and was only defeated by a combination of the Whigs and the Non-Tackers.† They rejected the bill sent down from the Lords, on the ground that it directed certain money penalties to be enforced against those who contravened some of its provisions. They regarded this proviso as an assumption of the exclusive right of the Lower House, and proceeded to debate in Committee the clauses of a bill of their own, similar to that which had received the sanction of the Peers. They added clauses to exclude the importation of Scottish coals and linen, and the exportation of horses, arms, and ammunition to Scotland. They debarred the commissioners to be appointed to treat with those of Scotland from discussing "any alteration of the liturgy, rites, ceremonies, discipline, or government of the Church established within this realm". Those who were hostile to the Hanoverian succession cherished the hope that the Lords would retaliate, and veto the measure. The Whig majority of the Upper House defeated this expectation by forthwith giving their assent. On the 5th February the "Act for the effectual securing the Kingdom of England from the apparent dangers that might arise from several

* Boyer's *Annals*, Vol. III., p. 165. Bruce, *Report*, II., App. lv.

† *Jerviswood Correspondence*, p. 23.

Acts lately passed in the Parliament of Scotland" became law. It was not to come into operation, however, until the 25th December, 1705, so as to allow time to the Scots either to agree to a treaty for "an entire and compleat union," or to repeal their own obnoxious Act.*

These proceedings had aroused the keenest anxiety in the Scottish statesmen, like Johnstone and Roxburgh, who had been labouring to bring conciliatory influences to bear on the leading politicians of the English capital. Their letters to their political associates at Edinburgh afford an insight into the anxious speculations which kept pace with the development of this grave crisis. The New Party had based their hopes on the moderation of the Whigs. "The Whigs were modest in this business," wrote Roxburgh† to Baillie on the 30th November, in his account of the debates in the Lords; "but the Tories were mad. . . . The duke of Marlborough and the lord treasurer are mightily for us. I wish friends would write to this place, declaring how much their meddling in our business may harm it." He soon discovered, however, that the Whigs were not prepared to champion the Act of Security. They were not unsympathetic towards the grievances of Scotland, and by no means desired to provoke war. They did not doubt but a show of force would suffice to bring the irascible orators of the Parliament House to moderate their tone of querulous defiance, especially as they were willing to propitiate their wrath by offering to treat first. "The design of the Whigs," wrote Roxburgh‡ on the 7th December, "in this matter is to force us to the succession; and the way they propose it is that those prohibiting Acts should not begin till a year and a half hence, and that only in case of the succession not being declared betwixt now and then, and that so soon as it is declared, they should terminate. But though the

* *Parliamentary History*, VI., pp. 373-374.
† *Jerviswood Correspondence*, pp. 12-13.
‡ *Ibid.*, p. 18.

lord treasurer seems to go into this, the design is, that all this bussle should end in no acts." Some days later the letters to Baillie assume a more uneasy tone, in view of the possible refusal of Scotland to be made a tool in Whig hands. "Yesterday," wrote Johnstone on the 12th, "the Lords ordered bills to be brought in. . . . It appears, by what was said, that no concessions are to be expected upon your coming into the succession, and so treatys in order to the succession signify nothing, as I in vain told people the last summer. In short, you may settle the succession upon limitations, if you please, if the Court will still venture to grant them, or you may accept of a union. If you will do neither, you may expect all the mischief that can be done you. As it was said, you and your independence are not so great but that you must depend either on France or England, and sure, they will not suffer you to depend on France if they can help it." *

Johnstone and Roxburgh redoubled their efforts on behalf of conciliation; but the Whigs had an additional motive for seeming to act a decisive part, in the hope of making themselves popular at the approaching elections. "The Whigs do not yet minde Scotland seriously. What the House of Lords does is calculated for the elections to the ensuing Parliament." †

On the 26th Roxburgh wrote in a pessimistic strain, that Scotland must be prepared to accept the worst if she would not surrender. "What will become of our affairs between the House of Lords and the House of Commons is very uncertain; but I am thoroughly convinced that if we do not go into the succession or a union very soon, conquest will certainly be upon the first peace; for supposing the lord treasurer durst go into such limitations as were yielded last, England will never suffer Scotland's enjoying the Act of Peace and War, the Act for arming all the fencible men, the Wool Act, and what is necessary for

* *Jerviswood Correspondence*, p. 22.
† *Ibid.*, p. 26.

maintaining of these. It's true, had Scotland virtue and power enough to maintain such a condition, I'm sure it's preferable to all; but that's the question in debate, which, after all, depends upon occurring circumstances." *

Fierce was the indignation with which such disquieting reports were received north of the border. The general impulse at the news of the coercive attitude of England was to refuse to negotiate a treaty before the repeal of the Alien Act. Defence of the national liberty gave place, among the *habitués* of Patrick Steel's tavern, to defiance of English tyranny. "In general, I may venture to say," wrote Lockhart to Hamilton, "that I believe the plurality of the nation by far, whether you consider number or interest, do resent the maltreatment we have received from England, and have found it the unanimous opinion of all your grace's friends here, that the making the least advance towards any treaty with England, until theyr late Act in relation to us be repealed, is altogether inconsistent with the honour of this nation." † The temper of the Scots was too high to appreciate the benevolent aim of this coercive Whiggish policy. There might be some consolation in the reflection that the English Parliament had at last been made to feel that Scotland was a sovereign nation, and might even separate her crown from that of England. But this reflection was embittered by the fact, that her powerful neighbour was not disposed to permit to Scotland the exercise of her sovereignty. If the Scottish Parliament asserted its independence, it must be badgered into submission by the menace of commercial ruin, and even of conquest. England might assert that the Act of Security seemed to arm Scotland against her, and that she was bound to take precautions for her own defence. If she interpreted the Act in a hostile sense, she was entitled to see that her militia and her border fortresses were properly equipped. It was open to the Scots to object that her

* *Jerviswood Correspondence*, p. 28.

† *Hamilton MSS.* (Hist. MS. Com.), pp. 200-1.

interpretation was unjust, and that her attitude was overbearing. History must allow the validity of this objection, on an impartial consideration of the facts of the case. The proposal to make prizes of Scottish vessels trading with France, seems spiteful and revengeful, in view of the fact, that the queen gave her sanction to the trade of her allies, the Dutch, with the French border towns. Moreover, the resolution to declare the Scots aliens was entirely unconstitutional. It had been accepted as a constitutional axiom at the accession of James to the English throne, that all his Scottish subjects born after that event, were entitled to the privileges of natural born Englishmen. It had been more fitting in the English Parliament, to listen to those who reminded it, that the Scots had grievances of long standing to complain of, and that they should rather consider how to remedy, than aggravate them. The Scots, indeed, were not without apologists in England itself. A great English contemporary writer branded this anti-Scottish legislation as "this most impolitic, I had almost said unjust, act in the annals of the English Parliament".* Another impartial observer of current international politics has left the record of his testimony in favour of the Scots.† He deals with the guarantees demanded by the Scots, in relation to religion, liberty and trade, as the indispensable conditions of nominating the same successor. Was it matter for surprise, he asked, that the religious persecutions of the seventeenth century should have made the Presbyterians resolute to protect themselves against any possible repetition of outrage? Had Scotsmen not ample cause to be jealous for the liberty and sovereignty of their country, after the experience of a hundred years of English dictation? Had not the independence of the Scottish Parliament been sacrificed to the prerogative of English kings,

* Defoe, *History*, p. 86.

† See a pamphlet entitled *The Reducing of Scotland by Arms, and the Annexing of it to England as a Province, considered.* Bound with Bishop King's *State of Irish Protestantism.*

the prejudices of English bishops, the narrow policy of English traders? Had not freedom of speech, of opinion, been repressed by English statesmen, and resistance visited by bloody penalties? The Claim of Right, it might be averred, had protected the religion of the majority, but had not the Presbyterians demanded in vain the abrogation of the Act of 1669, which asserted the royal supremacy over all persons and causes ecclesiastical? Had not Scotland been placed on the footing of a foreign country in regard to its commerce, and not only deprived of the benefits of free navigation to the English Plantations, but compelled to submit to heavy restrictions of its border trade? The attitude of England towards an independent Scottish colonial policy alone justified the Scottish Parliament in seeking to secure its interests from the ruinous and exasperating effects of English interference.

Reasonings like these did not come home to the English parliamentary conscience. Lockhart does not hesitate to charge the Scottish ministers with the guilt of countenancing, by their advice, these severe retaliatory measures. The charge, as the letters of Johnstone and Roxburgh show, was unmerited. But we may give credit to his assertion, that the exasperation which they aroused tended to intensify the general aversion towards a union, proposed under such humiliating conditions.*

At this critical juncture, the Scots found an unfortunate pretext for giving vent to their exasperation, in a savage outrage on a number of English seamen, whom chance threw in their way. The *Annandale*, a vessel belonging to the African Company, which still struggled to open up a colonial trade, had put into the Thames, in order to complete her crew, prior to sailing on a voyage to the East Indies. The India Company had her seized and confiscated, on the plea that it was a breach of its privileges to rate English seamen, in an English harbour, for a

* *Papers*, I., p. 111.

foreign vessel, trading to the East Indies. This incident quickened afresh the passions that had raged in Scotland around the Darien catastrophe. The wrath of the Scottish shareholders flared forth anew in denunciation of English high-handedness. As luck would have it, an English vessel, the *Worcester*, erroneously reported to belong to the East India Company, put into the Forth, shortly afterwards, for repairs. A clamour at once arose that the Government should retaliate. The Government refused to interfere; but the African Company, taking advantage of the clause which empowered it to make reprisals, in foreign seas, for any damage inflicted on its interests, stretched the meaning of the clause so as to include home waters, and ordered the English vessel to be seized. On the refusal of the Government officers to act, the secretary of the Company, Mr. Roderick MacKenzie, took the law into his own hands. Collecting a number of dare-devil accomplices from the loafers of the High Street, he set out on his adventurous purpose. His plan of attack was skilfully veiled under the pretext of a pleasure trip. On a Saturday afternoon, three boats, whose occupants were professedly strangers to each other, put off from Leith to pay a friendly visit to the English vessel. The strangers were hospitably received and shown over the ship—all the more readily inasmuch as they came plentifully supplied with liquor and other delicacies. MacKenzie entertained the officers to wine and whisky in the cabin, and pledged them in repeated toasts of good fellowship. After a lengthy bout of this hilarious exchange of friendly sentiments, he rose to take his departure. No sooner had he stepped outside, than the door of the cabin was slammed by the skilful hands of some of his associates. The captain and his officers found themselves prisoners in the cabin. The visitors at once displayed their hidden arms, and in a moment the crew were overpowered without mishap. Some were sent ashore, the remainder placed under arrest on board.

The Government still observed a neutral attitude, until some hints of the questionable doings of the captain and his men induced the Privy Council to subject both ship and crew to a searching examination. It happened that a vessel, the *Speedy Return*, belonging to the African Company, and commanded by Captain Drummond, was long overdue on a voyage from the East Indies. Anxious relatives plied the English sailors with inquiries about the fate of their friends. Some remarks that fell from members of the crew, in the course of their drunken yarns in the Burntisland taverns, were interpreted by their suspicious listeners to mean that Drummond and his men had met with foul play at their hands. On the strength of these reports, the Privy Council ordered the crew to be arrested, and the vessel searched. The huddled state of the cargo was regarded as an indication of its being hurriedly transferred on board, and helped to confirm the belief that it had been unlawfully come by. Green and fourteen of his men were charged with the crimes of piracy, robbery, and murder, before the judge of the Court of Admiralty, who was assisted by five assessors, the earl of Loudon, lord Belhaven, Home of Blackadder, and two senators of the College of Justice, Dundas of Arniston and Cockburn of Ormiston. Several witnesses who had visited Burntisland, in search of information concerning the fate of their relatives on board the *Speedy Return*, gave evidence as to the incriminating expressions that had fallen from some of the accused. One of the sailors, it was asserted, had hinted that he could tell a good deal, if he liked; and had been heard, in a convivial moment, to give vent to expressions of remorse for the wickedness committed "on board that old bitch Bess" during the last voyage. The principal evidence in support of the charge was afforded by the ship's surgeon, the steward, and cook's mate, who averred that the captain of the *Worcester* had attacked another vessel off the coast of Malabar, murdered her crew, who spoke English, seized the cargo, and sold the ship. There was not a scrap

of testimony to prove that the vessel in question was the *Speedy Return*. The accused men, who were defended by six counsel, accordingly urged, in their defence, that the libel was too indefinite and irrelevant to support the conclusion of guilt. Neither the name of the vessel attacked, nor the nature of the cargo they were accused of having robbed, was particularised. These and other objections were overruled, on the ground that the indefinite character of the evidence was no reason for believing the charge groundless, or the testimony of the witnesses as to the fact of piracy, robbery, and murder untrustworthy. "If in the road of Leith," it was argued, "before hundreds of spectators, one ship should invade another, destroy her men, seize her goods, and sink the vessel, whereby none of all these could be condescended upon, there could be no criminal libel upon it, because of the defence of indefiniteness." The solicitor-general, Sir David Dalrymple, enlarged with perfect assurance on the concurrent testimony of the witnesses, whose evidence was challenged by the defence as containing contradictions, and strove to make suspicion pass for guilt. In an age when piracy, by private traders, on the high seas, was no uncommon crime, the outrage laid to the charge of these unfortunate men was by no means an unlikely one. The facts that the persons they were charged with murdering were believed to be Scotsmen, and the vessel they had plundered and robbed was presumed to belong to the African Company, did not tend to diminish the disposition to believe in their guilt in the minds of both jury and judges. On the 14th March, 1705, after a trial lasting over a week, they were found guilty, with one exception, of piracy, robbery, and murder, and sentenced to be hanged on the sands of Leith. The captain and four of the condemned men were ordered to be executed on the 4th April, four more on the 11th, and the remaining five on the 18th.*

These proceedings aroused a loud outcry from one

* *State Trials*, XIV., pp. 1199-1327.

end of England to the other. The queen requested Argyle to write to the Privy Council her command to postpone the execution of the sentence. The Council objected to this mode of transmitting a royal communication, and resolved to write a full account of the trial, together with a petition, praying her majesty not to grant a reprieve. There was a general belief that Green and his associates were guilty of piracy; and the suspicion that the ill-fated crew, whom they had murdered, was that of the *Speedy Return*, seemed to be put beyond a doubt by the confession of two of the condemned men.*

At the renewed interposition of the queen, the Council sanctioned the reprieve of Green and the other four prisoners, that were to suffer execution, till the 11th April. Evidence was eagerly raked together from every possible quarter on the English side, to prove that Drummond's vessel had been seized on the coast of Madagascar by a band of native pirates, about the time that the crew of the *Worcester* were suspected of having seized her on the coast of Malabar. An affidavit to this effect, made in the presence of the mayor of Portsmouth, by two seamen who had sailed in the *Speedy Return*, thus disproved the assertion of two of the condemned men. The Privy Council was inundated with bundles of evidence of this sort, accompanied by reports of the indignation south of the border at this outrage on innocent Englishmen, doomed to make atonement for their nationality to Scottish prejudices. "This business of Green," wrote Johnstone,† on the 9th April, "is the devil and all. It has spoiled all business. . . . In short, nobody believes it; nay, in my opinion, faith, too, in this matter, must be the gift of God, for I doubt much that it's in the power of man to convince this nation of it. . . . The Whigs make a national Jacobit-

* *Jerviswood Correspondence*, pp. 64-65.

† *Ibid.*, pp. 70-71.

ish business of it, and it will be trumped up at all the elections. They lay it entirely at Tweeddale and the New Party's door; and considering the present spirit, I wonder that the New Party is not wholly turned out, for that was ask'd, and it seems, was only delayed. . . . Care should be taken to have as plain and clear and undenyable an account of the trial and confessions sent up and published here, as soon as possible, otherwise those men will be reckoned martyrs, and the New Party must atone for it."

The sequel showed that this was a national, not merely a party affair, however. On the morning of the 11th April, when the Privy Councillors repaired to the Council Chamber, they found the High Street in possession of an excited mob, who greeted them with shouts of "No reprieve," and threatened vengeance, if the demand was not complied with. They appealed to the magistrates to preserve the peace, and ordered all the available guards to be stationed within call. In view of the violent national temper, the Council felt powerless to temporise longer. Orders were given for the execution of the first batch of the condemned men. A report spread that they had been reprieved. Instantly the High Street resounded with fierce denunciation. The cry was raised to break into the Tolbooth and mete out mob justice to the prisoners. The chancellor's carriage was stopped by violent hands opposite the Tron Church, and, in spite of assurances that the sentence was forthwith to be put in execution, the windows were smashed. The chancellor himself, thanks to the intervention of friends, and his own self-possession, escaped into Sir Gilbert Elliot's house.* Had an attempt been made to spare the condemned men, a display of popular passion and lawlessness, similar to that to which Porteous fell a victim thirty years later, must have been inevitable.

* For an account of this popular tumult see *Jerviswood Correspondence*, p. 75; Defoe, *History of the Union*, pp. 81-82; and letter from Seafield to Godolphin, quoted by Burton, *Queen Anne*, I., pp. 324-325.

To appease the furious populace, Green, the mate Mader, and a gunner named Simson, were led to execution, amid the jeers and execrations of the rabble that followed them down to the shore at Leith. They died protesting their innocence. The heroism with which they met their fate, in the midst of every circumstance of obloquy, excited the warmest admiration of the few spectators, whose heads were not turned by this wave of national hatred. Duncan Forbes, a future lord advocate and president of the Court of Session, who accompanied the condemned Englishmen to the gibbet, gave expression, in a speech in the House of Commons thirty years afterwards, to the feeling of horror which, even after so long an interval, was still associated with his remembrance of that day.*

Guilty or not guilty of the crime of piracy, Green and his crew were certainly guiltless of the murder of Drummond and the plunder of the *Speedy Return*. The affidavit made by two escaped members of the latter's crew, before the mayor of Portsmouth, was confirmed some years afterwards by Robert Drury, who published his *Adventures during Fifteen Years' Captivity in the Island of Madagascar*. Drummond, it appeared, had escaped with his life, and, after several vain attempts to leave the island, was eventually killed by a Jamaica negro at Tullia.

The episode displays in realistic colours the intensity of the animosity, begotten of the commercial and political friction of the previous decade between the two nations. The Court of the Admiralty in Scotland was no doubt justified, by the practice of the age, in summarily dealing with the crew of any vessel against whom such a violation of international law could be clearly proved. It is certain, in this case, that if the accusation against Green and his crew had not been mingled with suspicions, fitted to inflame to fever heat the rankling resentments of a long-suffering people, fairness would have suggested the postponement of

* *Parliamentary History*, X., p. 284.

the sentence, until adequate inquiry had tested the alleged facts. The seizure and confiscation of the *Worcester* was in itself a wanton act of plunder; and England might justly complain in its turn of Scottish high-handedness, and see in the sequel an act of petty revenge, rather than an impartial attempt to vindicate the law of nations. Certain it is, that nations have come to blows in less embittered conditions of public feeling than those which rasped the relations of Scotland and England at this time.

CHAPTER VII.

CONCILIATION (1705).

AT the conclusion of the Session of 1704, the Scottish Ministry had undergone reconstruction. Some exchanges of posts took place, and the offices which had been left vacant during the Session, were filled up from the ranks of the New Party. Tweeddale became chancellor, and Seafield and Roxburgh secretaries of state; Johnstone was continued in the post of lord register; Cromartie became justice general; Baillie of Jerviswood, treasurer depute; and the earl of Selkirk, lord Belhaven, and Sir J. Home, lords of the treasury. Hamilton of Whitelaw was appointed justice clerk, to be succeeded at his death, shortly afterwards, by Cockburn of Ormiston.

The effect of the proceedings of the English Parliament on the political outlook in Scotland, continued to be anxiously watched and discussed by Roxburgh and Johnstone, who made known their hopes and fears, in numerous letters, to their colleagues at Edinburgh. These letters measure, barometer-like, the changes of the political atmosphere, in the shifty environs of the English Court. Queensberry, Argyle, and other leaders of the Old Party, as the supporters of the Queensberry Administration were called, exerted themselves to discredit and supplant the New Party. That party was in the unenviable position of having made itself unpopular both in Scotland and England. It had incurred the odium of deserting the opposition in the Scottish Parliament, in order to make itself a makeshift in the hands of Godolphin; it had covered

itself with obloquy in the eyes of both Whigs and Tories in England, by advising the queen to consent to the Act of Security. It had filled up the measure of its unpopularity, by yielding to the sacrifice of Captain Green and his unfortunate companions, who were regarded as having suffered for no other crime than that of being Englishmen. Moreover, Tweeddale had proved himself anything but a strong leader, and the ranks of his followers were thin. Seafield and Cromartie were slippery adherents, and were found to be fishing for their own baskets. It soon became apparent to Roxburgh and Johnstone that their efforts to outwit their opponents in the Cabinet of my lord treasurer, and in the clubs, were hopeless. Godolphin and Marlborough, though they spoke their old friends fair, were casting about for stronger hands to inaugurate the policy of Union in the coming Session, and ward off the dangerous contingencies to be apprehended from the uncompromising temper of both Parliaments. "The duke of Marlborough," wrote Johnstone, on the 9th January, 1705, to Baillie,* "is mighty kind to the lord register, who has been an hour with him, and is to be with the lord treasurer to-morrow. Marlborough has now hopes of your business (the maintenance of the Tweeddale *régime*), seems not to be for changes, and thinks the queen should maintain her authority, come what will, and not humour this man or that man. France, he says, was resolved on invading you last summer. He hopes to give them work enough this; but the Pensionary writes by the last post that there are great preparations in Flanders, which seem, he says, to be designed for Scotland; at least, he says, they cannot guess any other designe. . . . Marlborough, you know, will be gone, and the lord treasurer does all, who, I fear, will abandon you (the New Party) to the Whigs, for his own ease, or accept of any offers of undertakers that the Whigs will recommend."

* *Jerviswood Correspondence*, pp. 33-34.

This was what came to pass, though not before a busy campaign of party intrigue, and diplomatic overtures to opponents, had prolonged the shaky existence of the Tweeddale Administration till well into the spring of 1705. Johnstone and Roxburgh strove to obviate the inevitable by offers of a coalition with Argyle, who was showing a remarkable capacity, as an adept in party manœuvres, for continuing the important *rôle* played by his father in the Revolution politics. They proposed him for the office of commissioner, in the hope of strengthening their ranks, or at least retaining a share of power. But the duke could not see his way to dispense with the alliance of Queensberry, and these negotiations only ended in the discovery that, while he was ready to accept their assistance in bolstering up a new Administration, their places were designed for others.* Seafield set himself henceforth to cultivate the duke, and left his old confederates to curse him as "the greatest villain in the world". They next sounded the duke of Hamilton, on the possibility of co-operation in setting aside Argyle. The duke had been keeping himself, through Belhaven, in touch with the trend of affairs, and was suspected of negotiating with Harley and the lord treasurer for his own hand. His grace proved unmanageable; and the failure of these overtures cost the New Party the allegiance of Belhaven, who returned to the standard of his old leader. Seafield might cant in fluent opportunist style to Carstares about "forgetting private differences and joining together for the good and settlement of the nation".† The interests of rival politicians seem, however, in the pages of the *Jerviswood Correspondence*, to predominate over the pursuit of higher patriotic ends. The New Party was too weak and too unpopular to maintain the struggle against the personal ambitions and rivalries of the scheming politicians who

* *Jerviswood Correspondence*, pp. 55-56.

† *Carstares Papers*, p. 732.

haunted the Court drawing rooms, and, in the name of patriotism, set all the resources of intrigue at work to possess themselves of honours and emoluments. This glimpse behind the scenes of party government is by no means edifying, unless to show us what a humiliating affair this ruling of Scotland, under English auspices, was. It appears simply a game of checkmate over the disposal of Scottish posts, with my lords Godolphin and Marlborough as patrons and referees. The love of country is there, but it is sadly debased by personal jealousies, petty predilections, and party prejudices. How much brighter does it glow in the pages of a Fletcher, and how much significance does this spectacle of petty servility, of sordid calculation of the political chances, lend to his high-toned denunciation of the state-craft of his day! On the dismissal of Johnstone from his office as lord register towards the end of April, his colleagues, in expectation of a similar fate, adopted the lofty language of patriotism in their protestation of unselfish motives in the service of their country, and of their willingness to stand aside if a new Administration was deemed necessary in its interests. The *rôle* of the New Party was not played out, however. Though their official days were numbered, its leaders resolved to maintain it as an independent force.* We shall find it, under the name of the *Squadrone volante*, acting a very decisive part, as between the opposition and the Government, in the critical discussion of the Treaty of Union.

The duke of Argyle, the new commissioner, set out for Edinburgh towards the end of April. He was received with the customary popular greeting, and conducted in regal state into the capital. On the 23rd April a squadron of Lothian's dragoons escorted him and his numerous suite from the border to Dunbar. On the following day the provost and magistrates of Edinburgh, attended by 600

* *Jerviswood Correspondence*, p. 80.

horsemen, went to meet him at Edgebucklinbrae. The procession, swelled to the dimensions of thirty-four coaches, each drawn by six horses, approached Holyrood House amid the salutes of the castle guns and the Scottish and Dutch warships in Leith Roads.

Tweeddale, Roxburgh, and Baillie, who went to pay their respects, did not draw favourable auguries from the interview. Argyle hoped for little progress, either in the composition, or the realisation of a programme, unless the Ministry were, as he informed Godolphin, "all of a piece". He resolved to begin his uphill task by enrolling the friends of conciliation in a subservient phalanx, under his leadership. "We agreed," he wrote to the lord treasurer, in reference to a preliminary conference with his friends, "that it was impossible the queen's service could be carried on by any other method than by her majesty being pleased to lay aside the New Party, as they are pleased to call themselves, and put their places in the hands of such as have always been firm to a revolution, and have ten times the interest and fifty times the inclination to serve her majesty. An unfaithful friend is much abler to undo a man than an open professed enemy. For some months past they have barefacedly been laying up stores for opposition, their whole behaviour having tended to put the nation in a flame,* and make the queen's business as impractical as possible; their unmerciful violence in the unlucky affair of Captain Green and his crew, from first to last, may be of a consequence to the two nations greatly to be regretted. We now propose to make vacant the places of the marquess of Tweeddale, the earl of Roxburgh, the earl of Rothesy, the lord Belhaven, the lord Selkirk. We hope we shall agree as well in the persons to be employed as we have done in the removing of others." †

* This harsh criticism is explained by the fact that the duke had incurred widespread odium as the writer of the royal message to the Privy Council on behalf of the crew of the *Worcester*.—Cockburn to Godolphin.

† *Original Letters of the Duke of Argyle to Lord Godolphin relating to the Debates in the Scottish Parliament*, 1705-1706.—*Edinburgh Review* (1892), p. 513.

Argyle had his hands full, during the two intervening months before the opening of the Session, with the task of constructing a Cabinet and forming a working majority, in view of the burning questions which demanded solution. He and his advisers had, at one time, thoughts of modifying their hostility to the New Party to the extent of retaining in the Administration some of Tweeddale's adherents, and thus make a bid for the support of that Party, or at least break it up by fomenting jealousies within it. There were anxious conclaves, too, on the programme to be adopted; and bulky packets were exchanged between the commissioner and his English mentors in London on this subject. It was no light task to hit upon a workable policy, or charm party spirit and personal claims into submission. The marquess of Annandale and Sir James Stewart, the lord advocate, pressed for placing the settlement of the succession, with limitations, in the fore-front of the programme. Stair, Loudon, Philiphaugh, and Glasgow were apprehensive lest the prominence given to this contentious subject should result in opposition and defeat at the outset. They recommended the Treaty of Union as likely to be more popular and afford more immediate benefit to the country. Another argument in favour of this course, which swayed the calculations of the expectants of place, was the probability that the negotiations for a treaty would extend over a series of years, and ensure them the possession of their emoluments. After a good deal of friction, it was agreed simply to insert both measures in the draft of the royal letter sent to London.*

The task of programme-making was made none the easier by the necessity of adjusting men and measures to suit my lord treasurer and his overbearing fellow-peers of

* See, for these preliminary negotiations, the *Jerviswood Correspondence*, pp. 92-96, *Hamilton MSS.* (Hist. MS. Com.), pp. 198-202. The *Argyle MSS.*, published by the Hist. MS. Com., contain no documents referring to this period, but several letters have been published in the *Edinburgh Review*, 1892, pp. 509-520.

England, and of counteracting the intrigues of the Countrymen, who were no less active in rallying every available man to the standard of opposition. The duke was once on the point of throwing up the position as untenable. He was, he complained to Godolphin, running the risk of ruining his estate by the vast expense of maintaining his dignity "which, everybody will believe, I shall not receive in haste from the public". The risk of disruption among his own followers over the disposal of places, as well as the selection of a policy, was no less harassing. The leaders of the New Party did not respond to his overtures, and refused to quit their posts for back seats. They were finally discarded for the new batch of lovers of place and power. Seafield was rewarded for his amenability to personal interest by being made chancellor for the second time; Annandale and Loudon obtained the secretaryships; Glasgow and Murray of Philiphaugh were reinstated as treasurer depute and lord register respectively; Cromartie was continued in the post of justice general, and Cockburn in that of justice clerk. The Privy Councillors discarded by the last Ministry were restored, with one or two exceptions. The privy seal was committed to Queensberry shortly after; and on the 23rd July the much-abused ex-commissioner ventured back to Edinburgh, which he had eschewed since the escapade of the plot. His friends compelled him to submit to the honour of a public entry, with all the pomp of a magisterial reception, and a military display worthy of the quaint olden times.

The Session was opened on the 28th June, but members came up so scantily that the queen's letter was not read till the 3rd July. It reiterated her anxiety to have the succession settled, on the old grounds of its necessity in the interest of peace and religion, and her eagerness to contribute to its settlement by granting her assent to whatever restrictions might be found necessary and reasonable. She exhorted them to make it the first subject of consideration, and indicated a Treaty of Union as next in importance.

"We are fully satisfied (and doubt not but you are)," concluded her majesty, "that great benefit would arise to all our subjects by an union of Scotland and England; and that nothing will contribute more to the composing of differences and extinguishing the heats that are unhappily raised and fomented by the enemies of both nations, than the promoting of everything that leads to the procuring the same. Therefore, we earnestly recommend to you to pass an Act for a Commission to set a treaty on foot between the two kingdoms, as our Parliament of England has done, for effectuating what is so desirable." *

Commissioner and chancellor followed with the customary exhortation to compliance with the royal wishes. At the next sitting Annandale hastened to move that Parliament proceed to consider the limitations to be imposed on the successor. The result showed that Argyle and his advisers had schemed to little purpose to rush the Parliament.† The earl of Marischal interposed to ask the House to give the preference to the state of the trade and coin of the kingdom. Mar offered a third resolve, that the relation of Scotland to England, with a view to a treaty, be first discussed. In view of the demands of the last five years, this proposal ought to have been greeted with acclamation. But, in the present loose state of faction, it found so little support, that Mar withdrew it from consideration in the meantime. After a six hours' debate over the first two resolves, it was decided to consider proposals regarding trade and finance. The bellicose orators of the Country Party were still in a very independent mood. They were as yet supported by the Queensberry section, which continued to act with them, until its leader came down to exert his authority to bring it back into the Government fold. They showed no disposition to be

* *Acts of Parliament*, XI., pp. 213-14.

† *Argyle Letters*, *Edinburgh Review*, p. 515. The duke lays the blame for this miscarriage on Annandale, who was proving himself a slippery colleague, and "who managed the affair most abominably".

bullied by English threats into an obsequious attitude to the Lords and Commons. They seemed, in their dignity, to ignore England entirely, and pursue their own concerns, as if oblivious of the roaring lion across the border. Instead of setting to work to gratify the English Whigs, and deal with a great constitutional question, they proceeded to discuss such prosaic matters as the prohibition of English and Irish butter and cheese, tanned leather, muslin and calico, the encouragement of the herring fishing, and the improved manufacture of salt.

In the midst of these discussions the House was called on to listen to a number of "long discourses" by Baillie of Jerviswood, Marchmont, Hamilton, Stair, and others, on a proposal for "remeid of the coin," based on the speculations of Dr. Chamberlain and John Law. Chamberlain was a refugee bankrupt, who had played a *rôle* in London commercial circles as a financial speculator and reformer, before he took up his residence in Edinburgh. He had been the rival of William Paterson, and advocated a scheme of paper money, based on land security, not, like Paterson's, on a bullion standard. Law was the fashionable exponent, in the aristocratic circles of the Scottish capital, of a similar system of paper currency, issued on the security of landed property, before he became the notorious advocate of unlimited credit in the French capital. A man of insinuating address, he had trained himself, in Edinburgh society, for the life of adventure and fashion which was to make him the idol, and ultimately the outlaw, of the Parisian *salons*. He had ingratiated himself into the favour of Tweeddale, Argyle, and other influential Scottish legislators, and now got his scheme, alongside Chamberlain's, made the subject of debate in the Scottish Parliament. Parliament was too shrewd to embark on a proposal that would virtually have mortgaged the estates of the members to the Government, and curtly concluded that the proposition to issue money by a system of paper credit was an ex-

pedient "unfit for this nation". It preferred the safer and more laborious method of increasing the national wealth by improving its trade. To this end it decreed a Council of Trade* to report on the national export and import, and to take measures for the development of the commerce of the country. Seven members were separately chosen by each Estate conjointly, and entrusted with powers which practically made them supreme in this department of national affairs.

When, after several sittings, the House allowed the discussion of commercial and financial legislation to be interrupted by the constitutional questions raised in the queen's letter, it was, merely, on the 17th July, to affirm, by a majority of forty-five, the duke of Hamilton's resolve of the previous Session, that Parliament will not proceed to the nomination of a successor prior to the negotiation of a treaty with England in relation to its commerce and other concerns; and, further, that Parliament will enact all necessary limitations before proceeding to nomination.†

This decision produced at the following sitting, on the 20th, two drafts of Acts for a treaty,—the first by the earl of Mar, the second by the marquess of Lothian,—one to subject the appointment of officers of state to the consent of Parliament; and one, by the marquess of Tweeddale, of an answer to the queen's letter. The House again reverted to the discussion of commercial subjects, in preference to any of these; but, after an interval of two sittings, the marquess of Lothian challenged a first reading of his Act for a treaty. He was warmly supported by the Government, which saw no hope of progress, and no end to the international tension,

* Paterson, in a long and ingenious paper (*Works*, I.) written in 1700, recommended the establishment of a Council of Trade, which should have as its object the employment and relief of the poor, the repression of idleness, the erection of national granaries to lower the high price of grain in times of dearth, the improvement of the fisheries and foreign trade, and the reduction of interest on money (p. 8).

† *Acts of Parliament*, XI., p. 216.

unless retaliatory legislation was abandoned, and terms of union discussed by both sides. The marquess and his supporters might now, it was somewhat rashly inferred, reckon on the compliance, if not even the enthusiasm, of Hamilton and Fletcher, to carry the Act smoothly and safely through the stages of debate. Both these leaders of the Countrymen had been loudly calling for a treaty since the Revolution. But both were now the first to start objections to the nomination of commissioners at this stage, and demanded priority of consideration for the limitations of the successor! Fletcher supported his preference in a speech to prove that it was dishonourable to think of treating with England, until the obnoxious Act that declared Scotsmen aliens had been repealed by the English Parliament. Rather than treat for union on the present insulting policy, he would name the king of Prussia as successor! The political calculations of the Jacobites concurred with the unbending patriotism of men like Fletcher to retard the realisation of the Government demand. They saw that the surest means of obstructing the settlement of the succession was to insist on limitations, which stood a poor chance of securing the royal assent. Even if the queen ultimately acceded to these restrictions, it would, they argued, be rendering a service to their cause to limit the power of a Hanoverian monarch as much as possible. Their zeal in curtailing the power of the future sovereign to encroach on the liberties of Scotland, would, they further concluded, increase their popularity with the nation, which indiscriminatingly regarded as patriotism every action that proclaimed the spirit of resistance to haughty England. From a mixture of such motives, the duke of Hamilton's motion to consider the limitations before the treaty, though it went in the teeth of his contention in the previous Session, carried the day, but only by the narrow majority of four. "Most part of people here are stark mad," complained the hapless commissioner

to Godolphin, "and do not themselves know what they would be at." He bitterly censured the desertion of some of his ostensible friends, which was responsible for this result. The New Party were especially violent in their opposition; and even "Sir John Hume, who is a lord of Treasury; the earl of Marchmont, who has a pension of £400 a year; and lord Terfichen, who has a company in the army, all voted against the queen; and my lord Lauderdale, who has a post in the Mint of £600 a year, besides his post in the Session, and the earl of Glencairn, who is a lieutenant-colonel, would not come to the House".*

The next half-dozen sittings were accordingly divided between the discussion of enactments for the improvement of trade and those for restricting the prerogative of the prospective monarchs of Scotland. These included triennial Parliaments, the control of all patronage by the Estates, and the appointment of Scottish ambassadors to promote Scottish interests in all treaty negotiations with foreign states. Fletcher's advocacy of his grand scheme was evidently beginning to bear fruit. Our fierce republican failed not on this occasion to plead for the adoption of the whole, but could not find a sufficient number of converts to force his sweeping motion of self-government on the acceptance of Parliament.†

The honour and independence of Scotland being thus vindicated, the House, on the 24th August, agreed to take into consideration the earl of Mar's motion anent a Treaty of Union. The Act of the English Parliament was read. The apprehension that the English Government intended some treacherous design against the independence of Scotland quickened all the anti-English susceptibilities of the Countrymen. Fletcher wrathfully insisted that they should refuse to discuss the question until England learned

* *Argyle Letters, Edinburgh Review*, p. 515.

† See *Acts of Parliament*, XI., pp. 216-223. Lockhart's *Memoirs*, pp. 147-148.

to address her equals in more civil language. He presented the draft of an address to the queen, on the 28th August, against the proposal lately passed by the English Parliament, as made "in terms so injurious to the honour and interest of this nation that we can no wayes comply with it, unless made in terms no wayes dishonourable or disadvantageous to this nation".* This remonstrance was overborne; but the duke of Hamilton showed the apprehensive temper of his followers by moving, on the 31st August, that "the union to be treated on shall not any wayes derogate from any fundamental laws, ancient privileges, offices, rights, dignities, and liberties of the kingdom". The Country Party contemplated a very different measure of union from that entertained by the English Parliament. Its leaders had hitherto advocated a union solely as the means of remedying the ruinous disadvantages, under which Scotland was placed in regard to trade. They were, all the same, resolved to maintain the main features of the Scottish Constitution intact. They were not prepared to agree to anything that might imply the surrender of Scotland's national existence. They were in favour of a federal, not an incorporating, union,—a union of trade privileges, not of institutions; of interests, not of constitutions. Scotland should not deny its past history by merging its future in that of England. It was to remain a separate nation, though its commercial as well as its foreign policy was to become identical with that of England.

England was not prepared to negotiate for any measure short of incorporation. The Government strove to defeat a motion which was equivalent to a rejection of the English proposal. Lockhart† even hazards the assertion that Queensberry, Stair, and others were anxious for the subversion of the Scottish Parliament, lest a future change of monarch should expose them to impeachment for their

* *Acts of Parliament*, XI., p. 224.

† *Papers*, I., p. 128.

share in the events of the previous fifteen years. This is merely the gloss of a biassed critic, who regarded the Union as a betrayal of Scotland from personal motives. A less prejudiced examination shows that the Government and their supporters were actuated by a wish to clear the way for a mutual settlement of international difficulties. They argued that since the English Parliament had given full powers to the commissioners to be appointed, it would be unfair to restrict the Scottish representatives from treating in the same spirit. Moreover, it would be an offence to the queen, who might be assumed to see justice done between the two kingdoms. And since the negotiations were to be subject to the review of the respective Parliaments, each retained the power to accept or refuse the recommendations of its commissioners. To hamper their representatives with restrictive instructions was to invite the fate which had attended previous attempts.

Their opponents, on the other hand, contended that experience had proved that the sovereign was amenable to prejudicial influences. The English ministers, who swayed the queen, were actuated by partiality to English interests, and would not scruple to steal a march on Scotland, if their hands were not tied by a decided expression of Scottish opinion. To assume that the Scottish Parliament was the best judge of the wants of Scotland could not be interpreted as a slight to her majesty. Had not the English Parliament restricted the freedom of debate, by reserving the discussion of all questions relating to the English Church? Was not Scotland an independent nation, entitled to give its representatives what instructions it deemed advisable? These and other arguments were bandied from side to side, before the House came to the vote on the question, "Add the clause or not?" and decided it in the negative, by the narrow majority of two.*

The decision, if we may believe Lockhart, was due to

* *Acts of Parliament*, XI., p. 236. Lockhart, *Memoirs*, p. 165.

the lukewarmness and treachery of several members of the Country Party. "And here I must observe and lament," he complains, "the woful fate of this nation; for although it was well known that the House was to be that day upon this grand affair, and the Court had mustered together every individual of their party; yet seven or eight of the Cavaliers and Country Parties were absent, and thereby lost this clause, which, had it passed, would have proved a mortal stroke to the Court, they being resolved to have laid aside the Treaty of Union, and prorogued the Parliament, by which means the nation had been free of that fatal thraldom, to which 'tis since subjected." *

The opposition resolved to add, at all events, an expression of its resentment against the coercive attitude of England. On the 1st September the duke of Athole, who had swerved from his old associates in the Queensberry Government into the camp of the opposition, moved the addition of a clause prohibiting the Scottish commissioners from "going forth of this kingdom to enter into any treaty with those to be appointed for England," until the Alien Act was repealed. "I wish to know," quoth the duke of Hamilton testily, "if we are to be no more naturally born subjects of England after the 25th December next, to whom I owe my allegiance." "To the queen," was the reply. This was too popular a demand to be evaded; but the Government ultimately succeeded in keeping it out of the Act by offering to accept it as an order of the House. Athole handed in a protest against this procedure, to which twenty-four peers, thirty-seven barons, and eighteen members for the burghs adhered.

The House then took up the question of the selection of the commissioners. It was not to be expected that the men who had been voting the limitation of the prerogative, would comply with the demand that the nomination should be left to the queen. The nomination was the key of the

* *Papers*, I., p. 130.

position. The Government might congratulate itself that it had shelved all restrictive conditions; but if the opposition succeeded in appointing commissioners who were hostile to an incorporating union, the absence of restrictions was of little moment. It made use of strategy in order to outwit its opponents. It exerted itself to gain the duke of Hamilton, and it succeeded. The duke had acted a busy, though an indirect, part in the intrigues which centred around the Cabinet of Godolphin during the preceding winter.* His attitude towards the succession and the treaty had been anxiously canvassed by the wirepullers, who were exerting themselves to displace Tweeddale and Johnstone. He had not shown himself inclined to commit his party to any policy that would not make him the arbiter of Scotland's fate, on his own conditions. He had been given up as inimical to union on English terms, and had elected to remain in opposition, though it was known that he was eager to be one of the commissioners of union. The Government apparently took its cue from this fact, and set the earl of Mar to work to cultivate his friendship. The more uncompromising of his party were uneasy at the report of their repeated conferences, and drew from them an explanation of the circumstance that the duke seemed less bellicose in his opposition to the Government, during this Session, than formerly.

These suspicions were destined to receive a very unwelcome confirmation. On the 1st September, the Jacobite members held a consultation on the all-important question of the nomination. They agreed to support the proposal that each Estate should choose its quota of the commissioners separately. This policy was adopted as being most likely to secure a conservative commission. Lockhart went in search of Hamilton, to announce this result. He found the duke in the outer House just as he was about to enter the Parliament Hall. "Tell these gentlemen," returned

* See *Jerviswood Correspondence*, pp. 44, 52, 59, 61, 62, 84, 87, 90, etc., especially p. 114.

his grace, "'twill be time enough for us to consider on that affair, for it shall not be on this day."* Late in the evening, immediately after the last name on the rolls had been called, in the vote on Athole's motion, the duke astonished his party by rising to propose that the nomination be left to the queen.† A scene of intense excitement followed. Over a dozen of his adherents left the House in towering indignation, swearing that they had been basely betrayed. Those who remained, with Fletcher in the van, strove in vain to disarm this piece of strategy, by shouting the duke's former vehement arguments against the proposal in his face. The surprise and the exodus together gave the Government an easy triumph. The duke of Athole again protested on the grounds of the high-handed terms in which the English Parliament had declared its willingness to appoint commissioners. His protest was adhered to by twenty-one noblemen, thirty-three barons, and eighteen burgh members.

Lockhart bitterly laments that his party unwittingly invited this catastrophe, by delaying the consideration of the treaty to the end of the Session, and thus leaving the Government time to steal a march on it.‡ He accuses the duke of treachery to his party, and finds the explanation of this sudden change of view in the supposition that he had been won over by Argyle and Mar, with the promise of nomination as a commissioner.

Before the adjournment on the 21st September, there was another stormy scene on the subject of the plot. The commissioner produced a number of documents relating to this episode, but they were found to be merely copies of the originals, on which the House could not proceed to

* *Papers*, I., pp. 134-137.

† In a letter to Colonel Hooke, Mr. Hall, the duke's confidant, explains his conduct on the grounds that he hoped the queen would thereby be obliged to choose him, that she could not make a worse choice than the three Estates separately, and that Parliament could complain if her nomination displeased it.—*Hooke Correspondence*, II., pp. 20-21.

‡ *Papers*, I., p. 116.

an inquiry. The queen and Godolphin, at the instigation of Queensberry, adopted this expedient to hush up a quarrel, which could only have tended to ruffle the discussion of the Union question. Hamilton, Athole, Belhaven, Baillie of Jerviswood, and others took the opportunity to rebut the charges against their loyalty, and to impugn the base devices which had been resorted to, in order to discredit the opposition. There the matter ended, and the Session closed with an Act for seven months' supply, and an address * to the queen, embodying, by an order of the House, its protest against the English Alien Act, as an illegal encroachment on the rights of the natural born subjects of the same sovereign, and intimating that the Scottish commissioners to be nominated by her majesty were only authorised to treat on condition of its previous repeal.

A temper favourable to the Scottish demand happily displayed itself in the new Parliament, which met at Westminster on the 28th October. The recent elections had proved very favourable to the Whigs, and ensured compliance with the ultimatum of the Scots. The Alien Act was, as we have seen, largely a Whig manœuvre to force Scotland to comply with their proposals relative to the succession and the Union. Harley's motion to rescind the obnoxious Act was carried with little opposition, though the Tories took advantage of the opportunity to charge their opponents with inconsistency. But they did not risk the danger of increasing their unpopularity by seeming to thwart the negotiations, to which the majority of the English people seemed now favourable. The frank manner in which England thus gave proof of her sincerity was taken as auguring good results by all those who desired a lasting adjustment of international contentions. Seafield, Loudon, and Mar laboured to sow the seeds of concord in the minds of English legislators. They sent appreciative accounts of the proceedings in the Lords and Commons to

* *Acts of Parliament*, XI., pp. 238-296.

their friends in Scotland, in order to soothe the ruffled surface of Scottish susceptibilities. "Our affairs went in the House of Peers as we could have wished," wrote Loudon to Carstares, on the 4th December. "The Commons have this day had under their consideration the bill which the Peers sent them, repealing the disagreeable clauses of their Act for a treaty. They have given it a first reading, and ordered that it shall have a second upon Saturday. I hope the frank and friendly proceedings here will dispose all honest men in Scotland to enter cordially into such measures as may be for the good of our country, and bring us at last to a happy settlement of the Protestant succession."* This hope was sincerely shared by their correspondents at Edinburgh. "God send a solid union in and of Brittaine," is the prayer of Cromartie, in answer to a letter of Mar; "for I am sorely afraid and firmly persuaded that such only will secure Brittaine, and deliver old Scotland from its many complaints. If England will give us free trade with them and theirs, and take off the act of navigation, in so farr I should be pleased; for I hate a rupture or division with England, more than I do other grievances on us. As to factions, animosities, convulsions, the itch of place and pension, dissimulation, false calumnies, small and great pox, feavers and consumption, both in nobility and the other two states, I cast my account, and—Patienza!" †

* *Carstares Papers*, p. 740.

† *Cromartie Correspondence*, I., pp. 295-96.

CHAPTER VIII.

THE COMMISSION OF 1706, AND ITS CRITICS.

ON the 27th February, 1706, the Queen nominated the commissioners to represent the Scottish Parliament at Westminster. The long-winded Latin document contains the names of the earl of Seafield, the duke of Queensberry, the earls of Mar and Loudon, the earls of Sutherland, Wemyss, Morton, Leven, Stair, Rosebery, and Glasgow, lord Archibald Campbell, viscount Duplin, lord Ross, Sir Hugh Dalrymple, Adam Cockburn of Ormiston, Sir Robert Dundas of Arniston, Robert Steuart of Tillicultrie, Francis Montgomery, Sir David Dalrymple, Sir Alexander Ogilvie of Forglen, Sir Patrick Johnstone, lord provost of Edinburgh, Sir James Smollet of Bonhill, George Lockhart of Carnwath, William Morrison of Prestongrange, Alexander Grant, jr. of that Ilk, William Seton, jr. of Pitmedden, John Clark, jr. of Pennicook, Hugh Montgomery, late provost of Glasgow, Daniel Stewart, brother german of the laird of Castlemilk, and Daniel Campbell o Ardintennie.

The list thus included the members of the Government, with the exception of the commissioner and the lord advocate, a fair proportion of the nobility, four judges of the Court of Session, and ten representatives of the shires and burghs. The omission of the duke of Argyle was due to his refusal to act, on the ground that his engagement to the duke of Hamilton was not recognised. The lord advocate was excluded as an anti-unionist. The intention was to include, as far as possible, in the selection every

interest and every shade of political opinion, not uncompromisingly hostile to union.* This point had been anxiously discussed by Marchmont, Stair, and others, who exhausted all the force of their experience of party tactics to secure the nomination of a serviceable Commission. The former† indited letter after letter to the queen, Somers, Wharton, and Argyle advocating a mixed Commission, as the surest means of gaining the adhesion of those, whom the slight of being passed over might transform into its opponents. Their co-operation in negotiating the treaty would tend to lessen the opposition in the Scottish Parliament to the recommendations of the Commission, and ensure a Parliamentary majority. These reasonings reveal the insight of the practised statesman, while they suggest an objectionable pandering to the opportunist character of the age. Personal interests and party predilections, even individual foibles, counted for a great deal in the shaping of the nation's destiny. The chief end of the nomination was not to elicit the mind of Scotland on a most momentous question, but to secure a parliamentary majority to the inevitable surrender to the English demand for incorporation, *alias* "an entire union". It was certainly politic, if not very judicial, to confine the selection to the politicians who had shown, or were likely to prove, themselves amenable to English logic. The moralist, or the historian in search of effective paragraphs, may regret the absence of the patriot on principle, of the stamp of a Fletcher, whose fiery and high-toned patriotism would have furnished matter alike for ethic reflection and dramatic description. From a business point of view—Marchmont would have doubtless said from patriotic con-

* So comprehensive was the choice, that the belief was entertained by some that the union was not sincerely contemplated by the men in power. Burnet credits the earl of Stair with "this piece of cunning" as likely to carry the disaffected into the measure.—*History*, p. 799. Marchmont was equally entitled to share in the credit of this stroke of policy.

† *Marchmont Papers*, III., p. 285 *et seq.*; *cf. Melville and Leven Correspondence*, II., 194-199.

siderations as well—the elimination of the perfervid national element, that had so often kindled the passions of rival orators in the Parliament House, was a prudent measure. It was, in effect, a guarantee that the commissioners would come before Parliament with an unanimous decision in favour of union. None of the more influential leaders of the New Party was accounted reliable enough to merit nomination. Roxburgh, Baillie, Rothes, and Johnstone comforted themselves with the reflection that if the negotiations turned out an ultimate failure, they would rise in public esteem, and regain the power they had lost. Being passed over, they discovered that the nomination was not acceptable to the Scottish people, and did not augur well of the result. Their subsequent attitude was, happily, to belie their fears, and we shall find them lending their support to the treaty as the only means of securing the country from the dangers of Jacobite intrigues.*

One prominent Tory, of extreme Jacobite convictions, was included in the list, in the person of Lockhart of Carnwath. He owed his selection to the fact that he was my lord Wharton's nephew. It was hoped that he would prove amenable to family influence; and in this hope the Jacobites were propitiated to the extent of having one representative. The Jacobites were none the less irreconcilable, however. Lockhart seemed tractable enough. He attended the sittings of the Commission, and recorded no protest against its decisions, but, on his own confession, he remained silent in order the better to serve his party. His silence lulled the suspicions of his colleagues, and enabled him to transmit their confidences to the ever-watchful Fletcher and other friends in Scotland.†

On the 10th April the queen nominated, as commissioners for England, the archbishops of Canterbury

* *Jerviswood Correspondence*, pp. 148, 149, 151.

† Fleming, a Jacobite agent, writing to M. de Torcy, claims besides Lockhart, Mar, Duplin, and the laird of Grant as Jacobites.—*Hooke Correspondence*, II., p. 52.

and York; William Cooper, lord keeper; lord Godolphin, the earl of Pembroke, lord president of the Council; the duke of Newcastle, lord privy seal; the duke of Devonshire, steward of the household; the duke of Somerset, master of the horse; the duke of Bolton; the earls of Sunderland, Kingstone, Carlisle, and Oxford; viscount Townsend; the lords Wharton, Grey, Powlet, Somers, and Halifax; John Smith, speaker of the House of Commons; the marquess of Hartington, the marquess of Granby; Sir Charles Hedges and Robert Harley; Henry Boil, chancellor; Sir John Hall, chief justice of the Court of Queen's Bench; Sir Thomas Trevor, chief justice of the Court of Common Pleas; Sir Edward Northey, attorney general; Sir Symon Harcourt, solicitor general; Sir John Cook, advocate general; and Stephen Waller.

It is interesting to observe that the English list embraced the name of the descendant of that duke of Somerset who, after the victory of Pinkie, a hundred and fifty years before, had offered to Scotland a scheme of union which contained the main features of that now to be successfully negotiated. The names of Harley, Somers, Devonshire, Sunderland, and other leading Whigs suggest a studied endeavour to pave the way for a sympathetic consideration of Scottish claims. Somers was, indeed, entrusted with the chief management of the scheme on the English side; and the treaty, it may be said, bears the stamp of his consummate statesmanship and his wise moderation.* There was one exception. The archbishop of York was an uncompromising high churchman. His nomination was due to his office, rather than to his principles, and he emphasised his aversion to the proposed treaty by refusing to take any part in the negotiations.

The conciliatory disposition of the commissioners on

* Burnet, *History*, 799; *cf.* Defoe, who also dwells on Somers' merits.

both sides was intensified by the gravity of the crisis, from which both nations had not yet emerged. Union, it was felt, was the least of two evils. Godolphin had not scrupled to inform Johnstone that the only other alternative was war.* The temper of both nations was bellicose enough. The commissioners were conscious that unanimity could alone obviate a fierce international struggle. The war with France was an additional motive for conciliation on the English side. On the other hand, it might furnish an argument, if discussion assumed a hostile and uncompromising tone, in the opposite direction. Godolphin had been heard to say that if a Scottish war was inevitable, the sooner it came the better. Since the victories of Blenheim and Ramillies, there could be no question of French intervention on behalf of the Scots; and England could now march an army across the border, with better hope of success, than if the resources of France were at the disposal of the Pretender. England, he argued,† could contemplate the issue of such a struggle with less misgiving than Scotland. To English patriotism, exalted by the brilliant feats of the duke of Marlborough, there was no question that the Scots could reap anything but ruin and subjection in a conflict with the resources and the valour of Old England.

The prospects of a treaty were, in these circumstances, anxiously canvassed by both Scottish and English statesmen, during the period prior to the meeting of the commissioners. The question that engrossed the Scotsmen was, whether they could safely admit the English demand for incorporation. The constitutional change involved in such a demand appeared so questionable, in view of the intensified national temper of Scotland, that even those most favourable to a settlement of the international difficulty, were very dubious as to the possibility of carrying, in the meantime, at least, "an entire and compleat

* *Jerviswood Correspondence*, p. 122; *cf.* p. 141.

† See *Stair Annals*, I., pp. 380-81.

union". Even so staunch an unionist as Stair had his doubts as to the feasibility of the English policy. Shortly before the meeting of the Commission, he expressed his preference for a commercial treaty, in return for the settlement of the succession in the next Session of the Scottish Parliament. Incorporation, he thought, would follow. Concession would ultimately render the Scottish temper less irreconcilable to the notion of an united Parliament. "I shall be sorry," he wrote to the earl of Mar, in January, 1706, "if the English insist too peremptorily upon an entire union at present. Your lordship knows my sentiments in that matter, that I do firmly believe an incorporating union is the best for both nations, but that may require more time than the present circumstances do allow; for if we should be so unhappy as to be deprived of her majesty before the succession is settled, great mischief may follow. Therefore, I wish that upon the settling of a free trade betwixt the nations, and all freedom to their Plantations, the succession were presently declared in our next Session of Parliament, and that the treaty of a general, or entire union, did likewise proceed, so as a scheme thereof might be offered to both Parliaments, and if more time were found to be necessary for that, yet it needed not stop the other from being presently concluded and declared." *

The Scottish statesmen were speedily apprised that no half measure would induce their English colleagues to part with their trade privileges. Both sides were at one on the necessity of excluding the claims of the Pretender, by a prompt settlement of the succession. But Godolphin, Harley, and Somers insisted that an union of Parliaments was equally indispensable with an union of crowns. "The frank and generous manner in which this Parliament has acted towards Scotland," wrote Portland to Carstares, "and the talk of our politicians, leads me to believe that an entire union is contemplated; and that an union in part,

* *Stair Annals*, I., p. 211.

and the proposals for commercial advantages without such complete union, will embitter men's minds here and alienate their good disposition. In these circumstances, how expect to obtain later an entire union when this friendly disposition will have disappeared, the more so, that there will not be wanting people here as in Scotland, who wish neither union, nor the establishment of the succession? . . . I believe the establishment of the succession would be a good thing; but I am of opinion that union would be better, because it comprehends the question of the succession, and is for the advantage of both nations. It will obviate all future differences, and will tend to root up your domestic divisions. It will remedy the poverty of which Scotland complains. I have already informed you that I do not comprehend the mutual benefit of a federal union, nor the means of arriving at it." *

The earl of Mar re-echoed these sentiments even more decisively. His letter shows that though incorporation was not his choice, or that of his colleagues, they must either surrender, or wreck the treaty. "Your friends here tell us plainly that they will give us no terms that are considerable for going into their succession, if any, without going into an entire union; and if we insist upon that, they will never meet with us, for they think all the notions about federal unions and forms a mere jest or chimera. I write this freely to you, though it is not fit this should be known in Scotland, for fear of discouraging people and making them despair of the treaty. You see that what we are to treat of is not in our choice, and that we see the inconveniences of treating an incorporating union only. But when our friends come up, especially those that are against, or not clear for, an incorporating union, they will either, I hope, persuade their English friends, or them. However, we must certainly propose to treat of terms (of succession) as well as an entire union, and I wish the English may

* Letters to Carstares in French (*Papers*, pp. 742, 749), January 24, an April 11, 1706.

treat of them both, and conclude them, that so we may not come down to the Parliament with only one scheme." *

The commissioners met in a conciliatory spirit in the Cockpit on the 16th April. The lord keeper assured his Scottish colleagues, in words that bore the stamp of unmistakable sincerity, of the unanimous determination of the English commissioners to promote "the great and good design we are met about". He referred to the action of Parliament in rescinding the Alien Act, as a proof of the friendly disposition toward Scotland. The earl of Seafield professed a similar zeal on behalf of the advantages to religion and trade attending an union, and declared the readiness of the Scottish representatives to co-operate in the friendly discussion of all proposals towards the attainment of this end. At their next meeting, on the 22nd, both sides agreed to the mode of procedure. It was the same as had been observed in the negotiations of 1702-3, with the additional condition that the proceedings should be kept secret until the conclusion of the treaty. The agreement that each side should discuss controverted points separately, and only state the results of their deliberations in writing, has deprived the historian of the means of reviewing the opinions expressed by individual members on either side, and has narrowed our view of the discussions † to a series of formal propositions. The plan

* *Carstares Papers*, 743-44. "I find here," wrote Mar to Cromartie, "that no union but an incorporating one relishes."—*Cromartie Correspondence*, I., 301.

† For a short account of the proceedings of the commissioners by one who took part in them, see Clerk's *Memoirs*, pp. 57-63. His account throws little light on the discussions that preceded each resolution. The official account of the proceedings of the commissioners is given in the eleventh volume of the *Acts of the Parliament of Scotland*, App., pp. 145-205. "The great room," in which the commissioners met to submit their reports, "was," says Clerk, "a long hall, sufficient to hold the commissioners for both kingdoms, being about fifty feet in length. At the head of the table, under a canopy, was placed a large chaire, ornamented with gold lace and crimsone velvet, for the queen, when she desired to come amongst us. On her left hand sat the chancellor of Scotland, and on her right hand the keeper

of turning the Commission into a committee for the purpose of mutual debate was shelved as tedious, and only an occasional letter remains to throw a stray ray of light on the animated debates, on either side, that underlay these official deliverances. Before the conclusion of this sitting the lord keeper gave in the first of these formal proposals, which merely reiterated the demand of the Commission of 1702 for incorporation, subject to the conditions of succession, already established by English statute, and an united Parliamentary representation.

At the following meeting the Scots endeavoured to evade the English demand, by limiting the proposed treaty merely to the succession, reciprocal rights and privileges, free trade, and the repeal of all existing hostile statutes. The fear of the Scottish Parliament was evidently before their eyes; but, to judge from the chancellor's amusingly halting speech, the fear of English dissatisfaction was no less present to their minds. "My lords," said he, "I am commanded to acquaint your lordships there is nothing contained in this proposal, but what the Scots have always claimed as their right and privilege, as being under the same allegiance with England, but by making this proposal they do not reject the other proposal made by your lordships, but are of opinion this scheme would be most effectual to facilitate the English succession's being established in Scotland."* The firmness of the English commissioners was not likely to be shaken by this kind of obliging oratory. They demanded incorporation as the price of a share in English trade, and declined to negotiate further unless their proposals to this effect were entertained. They expressed this fact in philanthropic, but

of the Great Seal, the lord Cooper, afterwards chancellor of England. The queen came amongst us three several times; once at our first or second meeting, to acquaint us of her intention and ardent good wishes for our success and unanimity in this great transaction. At about a month thereafter she came again to enquire of our success and had most of our minutes read to her, and the last time to approve of what we had done."

* *Lockhart Papers*, p. 153.

decided terms. "Nothing but an entire union of the two kingdoms," they insisted, "will settle perfect and lasting friendship between them." There was no gainsaying a decision so explicit. On the 25th, Seafield intimated that his colleagues were willing to yield. They stipulated, however, that the United Kingdom should enjoy mutual trade and all other privileges and advantages pertaining to either. This was admitted as a necessary consequence of an entire union, subject to such regulations as should be found of mutual benefit, during the progress of negotiations. This concession on the part of the Scots, and the condition with which they qualified it, contained the main point of the whole treaty. Incorporation, as the price of free trade, is the secret of the union. All subsequent discussions were but the arrangement of the corollaries involved in this proposition. It was against this position that the opposition in the Scottish Parliament was to direct its most fiery attack. It was for their meek compliance with the demand for the surrender of an independent Parliament, that their adversaries, punning on the word "treaters," assailed their representatives with the fierce taunt of "traitors!" This surrender it was that formed the subject of many a furious pamphlet and partisan speech when the real drift of the treaty became known in Scotland. The Edinburgh and Glasgow mobs will break windows and even heads over this battle-cry. Charges of cowardice in capitulating the honour of their country, accentuated by showers of stones and mud, will be hurled at the heads of Seafield and his time-serving minions! Meanwhile the commissioners pursue their task in peaceful harmony, unconscious of the coming popular judgment. "The treaty goes on very well," reported Mar to Carstares on the 30th April; "the English appear very reasonable, so far as we have gone; and I really believe they are hearty in it, as I hope we all are too." *

Equality of taxes and duties was the necessary conse-

* *Carstares Papers*, p. 753.

quence of incorporation and free trade. The lord keeper, therefore, submitted, on the 29th April, the proposal that the commerce of the United Kingdom should be subject to "the same prohibitions, restrictions, and regulations of trade," and that the subjects of either should be liable to "the same customs, excises, and all other taxes". Owing to the intricacy of the proposal, Seafield proposed to refer the subject of taxation to a joint committee, to consist of eleven members. An account of the revenue and debts of either kingdom was ordered to be laid before it. The purpose of the Scottish proposal was to demonstrate, by a comparison of the burdens supported by each country, the share which Scotland might be expected to contribute to the treasury of the United Kingdom. To accept, without inquiry and compensation, liability to pay the debts of England, for example, would be unfair to the Scottish taxpayer, who was not chargeable with the payment of any Scottish public debt. The general principle of equality of taxes and customs was admitted by the Scots; but since a large part of the English revenue was appropriated to pay off the obligations of the Government, Scotland must expect an equivalent from the treasury of the United Kingdom, in return for the additional burden incurred on this account. They likewise insisted that the proportion of the land tax to be contributed by Scotland should not exceed £48,000. This sum was regarded as a fair maximum for Scotland, corresponding to the 4s. per £ of rental in England. It did not represent the actual taxable value of Scottish land in proportion to that of England. In estimating it, allowance was made for the difference between the English and Scottish rental system, and the different mode of assessing and collecting taxes in the two countries. In England, for example, the charge for collection was included in the tax. In Scotland, the "cess," as it was called, was paid in full. The Scottish landed proprietor might justly object that if he were called on to contribute 4s. net to the British revenue, when the pro-

portion of the Englishman was only (after deducting expenses), say, 2s. net, he would be paying to the British treasury double the sum of his wealthier English compatriot. In reality, he would be mulcted for his benefit to the extent of 2s. per £.

The Scots made no mention of excises; and the English commissioners, in their reply of the 10th of May, while admitting the justice of an equivalent "for what Scotland shall be taxed towards payment of the debts of England," reiterated their proposal of an equality of excises, as well as customs, and taxes. The Scots yielded so far as to include under this equality ale, beer, mum, cyder, sweets, low wines, aqua vitæ, and spirits, as well as all goods exported from Scotland to England and the Plantations. They requested "exemption from all other burdens and excises within Scotland for a competent time, to be adjusted in the course of this treaty". They justified this exemption on the plea that it was necessary to grant Scotland a respite, in order that she might derive some benefit from the enjoyment of free trade, before being saddled with new burdens. They ventured to hope that this temporary immunity would be found consistent with an entire union, in view of the depressed circumstances of their country. The demand appeared reasonable to the English commissioners, who declared their willingness to admit it, if it could be done without prejudice to English trade and manufactures. If, for this reason, exemption should be found, on further deliberation, to be impossible, they were ready to allow an additional equivalent for a certain period. They intimated on the 15th that they had agreed to exempt Scotland from the duty on stamped paper, vellum, and parchment, on windows and lights, coals and culm, for a period of about three years from the commencement of the Union, from the duty on malt, which expired on the 24th June, 1707, and from the duty on salt, used in home consumption, for a period, afterwards limited to seven years. The exemption from the salt tax

was not an act of generosity. It was an act of justice; for as salt was assessed by weight, and the price of a pound in Scotland was less than two-thirds of the price in England, the Scots might object that they would be charged the same duty, *viz.*, 16s. 4d. on 3s. value, while the English paid the same amount on what cost 10s. 6d. The Scottish commissioners acknowledged in their reply, on the 17th, their sense of "the regard shown for the subjects of Scotland after the desired union," but repeated their demand for a more general exemption, until the Scots should be enabled by the benefits of free trade to bear an equality of burdens. To this the English representatives replied, on the 18th, that they had gone to the verge of compliance. If the Scots intended by their proposal to ensure to themselves a respite from all further impositions, which might be enacted by the Legislature of Great Britain, they pointed out that they must leave the decision of this question to the United Parliament. "It cannot be supposed," they remarked, "that the Parliament of Great Britain will ever lay any sort of burdens upon the United Kingdom but what they shall find of necessity, at that time, for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom, and to allow of any supposition to the contrary would be to form and set up an unanswerable argument against the union itself." With this reasoning the Scots professed themselves satisfied, but asked for a prolongation of the exemption from the duty on stamped paper. They proposed several regulations for the payment of the same excises on salt, exported from Scotland, as were chargeable in England. These were ultimately agreed to, with some modifications; and, in return, the English commissioners conceded the demand for a maximum land tax of £48,000, and less in proportion to the English assessment.

Pending the consideration, by the Committee, of the

equivalent, to be allowed to Scotland as compensation for equality of taxation, the Scots brought forward, on the 29th May, their scheme for preserving the legal constitution of Scotland. They proposed that the laws and the courts of judicature should remain after the union, subject to such regulations as might be deemed necessary by the Parliament of Great Britain. Though they had accepted the principle of incorporation, they were careful to stipulate that all national institutions, with the exception of the Scottish Parliament, should be preserved for all time coming. Scotland should not become a mere province of England, as the opponents of a complete union predicted. The fact that they admitted the right of the British Parliament to improve the laws of Scotland, was not meant to confer the right to assimilate the Scottish legal system to that of England, except in regard to public law. This admission was to be decried as virtually a surrender of what remained of Scottish national institutions to the discretion of the future Parliament of Britain, and furnished a powerful argument, wherewith to point the appeal to Scottish patriotism against the whole treaty. We cannot trust the heritage of our nationality to a Parliament, largely English, cry the patriots, especially as that Parliament seems entitled to encroach on the stipulations of the agreement. The preservation of the Scottish Parliament is absolutely necessary for the security of our institutions. It may be said that in agreeing to merge the Scottish legislature in that of England, the Scottish commissioners were yielding the main prop of Scottish nationality, and retaining but the subordinate features. But it should not be forgotten that in doing so, they were impelled by the conviction, expressed in unmistakable terms by the English commissioners, that there could be no solution of the international problem, without this sacrifice. After all, they made this sacrifice on equal terms, and in return for the same surrender of independence, on the part of England. The English commissioners admitted the con-

sequences of the principle of incorporation as affecting England, in so far at least as they agreed to the establishment of a representative system, which could no longer be constitutionally entitled an English Parliament. In reality, the proposed united legislature was simply the English Parliament, plus so many Scottish representatives; and the sacrifice, it may be said, was greater for Scotland than for England. But the change was none the less a real alteration of the English constitution, though it affected Scotland most. Had these negotiations taken place two hundred years later, it is possible that the Scottish Parliament might have prolonged its existence, as a useful national institution for the legislation of purely Scottish affairs. The union might have been regarded as none the less "compleat" on that account. But neither the Scottish, nor the English commissioners could be expected to anticipate history by two centuries, although a strong party in Scotland was about to raise a bitter protest against the destruction of what they regarded as the bulwark of Scottish nationality. The vindication of the Scottish representatives lies in the fact that they could get free trade on no other terms. In these days, when the principle of prohibition has been discarded as a commercial dogma by a British Parliament, both sides might have reasoned and acted differently. As it was, the Scots did their utmost to preserve as much of Scotland's independence as was practicable. Of this let the reader convince himself by perusing the document, in which they, in their turn, presented their ultimatum to their English colleagues. While the laws concerning public right, policy, and government, were assimilated to those of England, those concerning private right, along with the higher and lower courts, were reserved to Scotland "in all time coming," subject to such alterations and regulations as Parliament might deem advisable. No Scottish lawsuit might be tried before English judges, who were expressly debarred from "recognising, reviewing, or

altering the acts or sentences of the judicature within Scotland, or stopping the execution of the same." The Scottish Court of Exchequer was to be continued, or replaced by a new one, as the British Parliament might ordain, and the Privy Council might also be preserved, if Parliament so willed. All heritable rights and jurisdictions, and the privileges and rights of the royal burghs, were perpetuated. The English commissioners voted compliance with these demands all the more readily, inasmuch as the wholesale denationalisation of Scotland would have involved an amount of labour, to which even their zeal was not equal. Besides, the assimilation of the Scottish legal system would have involved the disqualification of the Scottish legal profession; and the prospect of the loss of judicial salaries, and forensic fees, would have animated the lawyers to a life and death struggle on behalf of their interests, and prolonged, if it had not wrecked, the negotiations. The English commissioners wisely refrained from disturbing the equanimity of the Faculty of Advocates, and the College of Justice, and were content with the general stipulation that left the British Parliament to make such rectifications as the future might render necessary. They added the proposal that all Admiralty jurisdiction be under the Commissioners of the Admiralty for Great Britain. The proposal was accepted on behalf of Scotland on condition that "the Court of Admiralty now established in Scotland, be continued for the determination of all maritime cases relating to private right in Scotland," and that "the heritable rights of Admiralty and Vice-Admiralties be reserved to the respective proprietors".

The next subject of discussion was the share of representation, to be allotted to Scotland in the united Parliament. On the 7th June, the English commissioners suggested thirty-eight as a reasonable number. The Scots demurred, and proposed to break the rule of procedure and hold a conference on the subject. This conference took place on the 12th. It was argued that this number was an

ample recognition of the claims of Scotland, in consideration of its contribution to the revenue of the United Kingdom. While Scotland's share of the land tax was only £48,000, on a maximum assessment of 4s. per £ of rental, that of England stood at about two millions. Thus the contribution of Scotland was estimated at about one-fortieth of that of England, and on this calculation she was entitled to no more than thirteen members. This proportion was regarded by both sides as altogether inadequate and inadmissible. If the calculation, on the other hand, were based on population, the share of Scotland would be correspondingly large. Estimating the number of the inhabitants at two millions, to six millions for England, the proportion of Scottish representatives would be one-third, or one hundred and seventy members. The difficulty was to strike the medium between taxation and population. The Scottish commissioners were by no means exorbitant when they suggested at least fifty as a reasonable number. They strengthened their contention by representing the hopelessness of gaining the adhesion of the Scottish Parliament to a more limited share of representation. After several sittings, and the expenditure of a vast amount of political arithmetic, both sides agreed to a compromise on the 21st. Scotland was allowed forty-five members in the Commons, and sixteen elective peers in the House of Lords; while all Scottish peers and their successors were, after the Union, to be reckoned as peers of Great Britain, and enjoy all privileges as such, except that of sitting in Parliament. The Scottish members to the first British Parliament were to be elected as the Scottish Estates might direct, and it was left to her majesty to empower the sitting members of the House of Lords and Commons to act as the English representatives.

The commissioners agreed, without much discussion, to proposals bearing on the assimilation of the coinage and the weights and measures of Scotland to the English standard. They decreed the adoption of a great seal for

the United Kingdom, and the conjunction of the crosses of St. Andrew and St. George, as the emblem of the Union. They recommended the recognition of Scottish ships as British vessels on condition that the owners made an oath, within a year after the Union, that at the time of signing the treaty no foreigner had any share in their ownership. This stipulation was intended to obviate the risk of participation by foreign vessels in the trade of Great Britain, under the pretext of belonging in part to Scottish merchants. Owing to the smallness of the Scottish mercantile navy, a large part of the maritime commerce of Scotland was carried on in Dutch vessels, under this system of joint ownership. By this loophole a considerable number of foreign owners might shirk the restrictions of the Navigation Act, and, if not thus specially excluded, inflict injury to the British shipbuilding industry, as well as possess themselves of a large proportion of the British carrying trade.

A touchy point in the international history of the last ten years was broached on the 21st June. The Scottish commissioners proposed that "the rights and privileges of the company in Scotland trading to Africa and the Indies do continue in force after the Union". In deference to the jealousy with which the East India Company guarded its monopoly, they added the alternative that, if the continuation of the Scottish Company should be found incompatible with the trade of the United Kingdom, the rights of the shareholders should be purchased. It was imperatively necessary to soothe the resentment of the Scots, and at the same time propitiate the jealousy of the great Indian Corporation, if the ship of Union was to be launched in calm water. To recognise the African Company would have been to re-open the stormy controversy which the East Indian Corporation had maintained in defence of its monopoly against the Million Company and the Scottish rival of both. To propose its abolition, on the other hand, without compensation, would be simply suicidal.

Scottish discontent would not be soothed without atonement for the loss and disappointment, for which England was largely responsible. The English commissioners, therefore, eagerly grasped at the offer of compromise. They expressed the opinion that the continuation of the Scottish Company "was inconsistent with the good of trade in the United Kingdom, and consequently against the interests of Great Britain," but threw a sop to the shareholders in the most graceful fashion. "The commissioners for England, being sensible that the misfortunes of that company have been the occasion of misunderstandings and unkindnesses between the two kingdoms, and thinking it to be above all things desirable that upon the union of the kingdoms the subjects of both may be entirely united in affection, do therefore wish that regard may be had to the expenses and losses of the particular members of the said company, in the manner hereafter mentioned; and they hope when the commissioners for Scotland have considered how generally that undertaking was entered upon in Scotland, and consequently how universal that loss was, they will readily agree to the proposal."

The report of the Committee appointed to adjust the equivalent, to be allowed to Scotland, in recognition of the agreement by the Scots to equality of duties, and consequently to liability for a share of the English debt, was next taken into consideration. The sum was fixed at £398,085 10s. It was further stipulated that the increase in the Scottish revenue, derived from excisable liquors during the first seven years, after the completion of the union, should be granted as an additional compensation for the portion of the united revenue devoted to the payment of English debts. An equivalent was likewise to be allowed for whatever part of the duty on salt, immunity from which was to cease at the end of seven years, should be applied to this purpose, and generally for all payments on account of that debt, to which Scotland might afterwards be held liable. To this end, an account was to be kept of

the revenue derived from Scottish excises. The disposal of the total equivalent was entrusted to a Commission, which was directed to apply a part in payment of the public debt of Scotland, and to reimburse the shareholders of the African Company, with five per cent. interest. The remainder was to be devoted to make good the losses sustained by private persons through the reduction of the Scottish coinage to the English standard, and to improve the fisheries and manufactures.

The commissioners embodied the results of their deliberations in twenty-five articles. They were drawn up by a special committee of four members from either side, and four copies made for the queen, the Lords and the Commons, and the Scottish Parliament. The signatures of all the commissioners were adhibited, except those of Lockhart and the Archbishop of York. On the 23rd July, they proceeded from the Cockpit to St. James's Palace to announce the completion of their labours to her majesty, who had shown her interest in the negotiations by gracing the Cockpit twice with her presence, and encouraging their labours by a suitable speech on each occasion. The studied courtesy of the language in which the speeches of the lord keeper and the earl of Seafield were couched, reveals the spirit of moderation and sympathy, which had animated the intricate and harassing discussions of the previous three months. The tact and self-restraint displayed by both sides amply bear out the assertion of Defoe that the commissioners "came together with a true spirit of the union among them".* Subject and circumstances considered, it may fairly be said that no body of men, to whom the destiny of two peoples, so near the verge of disruption, was entrusted, has ever exemplified so completely the spirit of forbearance and political wisdom, in the adjustment of traditional international contentions. Their deliberations afford a splendid and convincing illustration

* *History*, p. 105.

of the reasonableness and the serviceableness of arbitration in the settlement of national disputes, when backed by the spirit of sincerity, as well as self-interest. Other empires have been cradled amid scenes of bloodshed and unreasonable violence. The United Kingdom can boast of a nobler origin, and point to the triumph of the spirit of peaceful discussion over that of selfish policy and mere patriotic doctrinairism.

"We have made the best of it we could," wrote Mar, in communicating the result to Cromartie; "and I hope the Parliament will think it for the interest of the nation, and so ratifie it, by which there would be an end put to all our divisions, and honest people would get leave to live at peace and ease, and mind their affairs and the improvement of their country—a much better employment than the politicks." * The good wishes, as echoed by Harley and Somers, were no less profuse on the English side. "I must own," wrote Harley to Leven, "I think the Union, as agreed upon by the commissioners, to be just and advantageous to both nations, and, as such, it is the only visible foundation of settlement and peace between us; and delaying it or putting it off, as well as making alterations, can tend only to lose this golden opportunity, and to create jealousies and distrusts which every good man will endeavour to heale." †

This spirit of moderation had yet to run the gauntlet of fierce opposition in Scotland. The rumour that their long-standing grievances had at last been remedied was, at first, hailed with satisfaction by the Scottish people. The articles were kept secret until the meeting of Parliament, but the commissioners sedulously let fall hints of the blessings in store for Scotland, and glossed the objectionable portions of the treaty. Scotsmen congratulated themselves on the prospect of free trade and the participation in the benefits of the equivalent. When, however,

* *Cromartie Correspondence*, II., 18.

† *Leven and Melville Correspondence*, II., 203.

they gradually became acquainted with the sacrifices at which these benefits had been secured, their reflections assumed a less congratulatory tone. Free trade was good, and an equivalent that was expected to revive a blasted industry, and restore the capital wasted on an inhospitable American shore, was indeed a God-send. When it became known that these boons were the price of an independent Parliament, angry orators and pamphleteers by the score set to work to upset the balance of public opinion on the side of aversion and discontent. "Till the printing of these articles," says Defoe,* "the people were generally very desirous of the Union, as that which tended to the putting an end to all former animosities, burying the ancient feuds between the nations, and removing the apprehensions good people on both sides had justly entertained of a new rupture. But no sooner were these articles printed and dispersed, than it seemed as if everybody had set themselves to raise objections, form scruples, and find faults in them; the whole nation fell into a general kind of labour, in canvassing, banding, and cavailling at the conditions."

Numerous pamphlets were borne like so many fiery crosses throughout the land. Ever since Fletcher published his *Discourses* in 1698, the "learned scribblers" and "mountebank politicians," over whom Defoe † becomes indignant and playful by turns, had not ceased to exchange blows on the burning questions which convulsed Parliament. Both before and after the commencement of the Session of 1706-7 the country was kept in a seethe of excitement by discussions based on the printed effusions of partisan essayists. The spirit of contention was very keen, and its disastrous effects were perceptible not only in riot and rebellion, but in the lifelong estrangement of friends, and even members of the same family. The contest was not confined to rival parties in Scotland. It was partly inter-

* *History*, p. 221. † *Ibid.*, pp. 100-101.

national. The two countries had happily refrained from settling their disputes with the sword; but the literary champions measured their strength in fierce onslaughts, in which no quarter was shown to the reputation or the opinion of the combatants. The Scottish Parliament did not consider it beneath its dignity to break a lance on behalf of its champions, by consigning obnoxious pamphlets to the public hangman, and voting rewards to some of these literary knight-errants.*

It is from such literary remains of party and national contentions that, in the absence of the shorthand reporter, we derive the fullest view of the political agitation which raged over the articles in both countries, especially in Scotland. Men of first-rate ability entered the lists of this literary tournament, to tilt, with characteristic fury, on behalf of country or party. Defoe, Fletcher, Seton, and Paterson, rushed into print with all the resources of diction and argument in company of controversialists of lesser lustre, like Hodges and Anderson. Defoe has left a vast amount of verbosity on this interminable subject. Although his literary wand seems to have lost its charm, when dealing with matter, which left little scope for imagination, he may claim the merit of being both an enthusiatic and well-informed controversialist on the side of incorporation, and a painfully laborious and iterative historian of the movement. He came down to Edinburgh, at the commencement of the Session, to influence and chronicle events as the emissary of Godolphin, and exchange hos-

* Notably to Mr. James Anderson, an authority on Scottish charter literature, who wrote an able vindication of Scottish independence in reply to Atwood's *Superiority and Direct Dominion of the Imperial Crown of England over the Crown and Kingdom of Scotland.* (*Acts of Parliament*, XI., 244; *cf.* Hume's *Diary*, p. 172.) Another characteristic pamphlet, in defence of the national sovereignty, is entitled, *Scotland's Sovereignty asserted, being a Dispute concerning Homage against those who maintain that Scotland is a Feu, or Fee Liege of England, and that therefore the King of Scots owes Homage to the King of England*, by Sir James Craig, 1695.

tilities with leading anti-unionists. There is some reason to suspect that the motives of his visit were personal as well as patriotic. His pecuniary difficulties made it advisable to escape the threats of his creditors, and there was, besides, a God-sent opportunity of earning sorely needed guineas in the service of the English Government. He was one of the most enlightened, sincere, and fair opponents of the "anti-unioners". The literary result of the visit was the continuation of a series of *Essays at removing National Prejudices against a Union with Scotland*, which he had commenced previous to the negotiations of the commissioners.*

Our author's aim is a laudable one. He is eager to persuade both nations that their interest lies in union—union in the sense of "an entire coalition or incorporation". Why should two nations, he asks, inhabiting the same island, continue to live in contention, and run the risk of war, when both nature and self-interest might have taught them long since the benefits of coalescing? He divides the responsibility for those national antipathies very fairly between Scot and Englishman. The former is usually saddled by the historian with the charge of being touchy and prejudiced in his aversion to the Union. Defoe, who shows that he can estimate the shortcomings of his own countrymen, with impartial frankness, takes them to task "as being the nation, in the world, the most addicted to national prejudices".† He castigates English fastidiousness towards Presbyterianism, and jests at the prejudice that the Anglican Church must suffer, in its dignity and claims, by an union of Episcopal England with Presbyterian Scotland. Even if the Scottish Presbyterians were added to the English Dissenters, the

* Besides advocating the claims of the Union as a pamphleteer, his special knowledge was called into requisition by the Scottish Parliamentary Committee for examining the amount of the equivalent.—See *Leven and Melville Correspondence*, II., p. 217.

† *Essays*, Part I., p. 10; *Collection of Tracts regarding the Union*; two volumes.

numerical superiority would remain with the Episcopalians. To him, the fact that both nations were Protestant was a sufficient answer to all ecclesiastical scruples on either side. "I confess I cannot but wonder at the temper of those Christians—they would be angry if I should not call them such—who will have it be that the Church of England and the Church of Scotland are two religions, or that the nations profess two religions. . . . As for those people who expect the Scots to rescind their settlement, restore a church government which they do not approve of, and subject national principles to foreign constitutions, they do indeed show their zeal for their own opinion, but not their sense of the circumstances of both nations." * As to the English jealousy of sharing their trade with the Scots, he makes bold to assert, that the English will derive the greater advantage from free trade. Will not England be assured of peace for all time coming? Has she suffered so little inconvenience or injury from the Scottish wars, that she can afford to rate lightly the guarantee of absolute security from a Scottish invasion? Let her not vaunt her strength, so long as the memory of these things remains. To clinch the argument, he hazards the paradox, which he calls on history to illustrate, that "at the end of every war the Scots shall have the better of you. It shall cost you far more to hold them than to gain them, and more to lose them again than both." But Scotland shall grow rich at England's expense? Must we not share our wealth with the poverty-stricken Scots and consequently diminish it? Defoe fails to see this, and retorts that the prosperity of Scotland will tend to strengthen the United Kingdom. Of what advantage must it be to England to be able to throw into the struggle with its foreign enemies the resources in men and money, which the prosperity of incorporated Scotland

* *Essays*, pp. 20-22.

would lay at her disposal! "Suppose then the Scots to grow rich by the Union, what shall be the consequence, but this, among a thousand others, that their lands shall obtain improvement, and this shall end in keeping their numerous hands at home? And whose shall the advantage be of keeping these thousands of people at home, who now fill the armies and spread the colonies of Europe? If the wealth and strength of a nation consists in the multitude of its inhabitants, what addition of strength shall it be to this nation, when the Scots shall be kept at home, and tempted by the prospect of their labour to stay where they can live easy, which they would always do if they could, and if so, shall for ever after be your assistants and defenders, bound by the bonds of their own interest. . . . Scotland is an inexhaustible treasure of men, as may be demonstrated by the vast numbers they have in our army and navy, and in the armies of the Swede, the Pole, the Muscovite, the Emperor, Holland, and France. What might not England now do, had she in her pay all the Scots actually in the service of these princes, where they are daily cutting one another's throats, and, at the expense of their country's impoverishment, gain the empty reputation of being the best soldiers in the world? This is a treasure beyond the Indies, and which few people know how to value, and it has hitherto been our happiness that the Scots are thus dispeopled and impoverished; for had the Scots been as rich as they are populous, had they been as richly furnished with the sinews, as they have been with the humour, of war, had they as much money as men, and as much design upon us as courage and bravery to execute, we should long ago have sought the union with more eagerness than we fancy they seek it now." *

He then grasps his pen to disarm Scottish prejudices. He professes to find the interest of Scotland to lie so

* *Essays*, pp. 24, 25.

palpably in an incorporating union, that he had always assumed it a satire on the Scots, to write as if they could object to it. His visit to Edinburgh had opened his eyes; and he now expatiated on the advantages of closing with the English offer. He drew a flattering picture of the revival of trade and the improvement of agriculture. Better cultivation, increase of population, plenty for the poor, browsing flocks, harbours full of ships, enlarged cities, were some of the inducements held out to the suspicious and sceptical Scots. "'Tis a slander upon your country," he exclaimed, "to say 'tis a barren land. Nature was commanded not to let man have his bread out of her but by the sweat of his brow; and with that sweat she never denies him. 'Tis want of trade to whet industry, profit to whet trade, want of goods and stock to produce profit; —these are barrennesses your country complains of, and declines for want of. Your lands enclosed, manured, and cultivated, would be as rich, your cattle as large, your sheep as fat, and your wool as fine as in England; your barren moors would yield corn, the hills flocks of sheep, and your better lands, which you now wholly imploy with the plough, would feed strong and valuable cattle. From hence would proceed darys, milk, butter, cheese, etc., which, being plentiful and cheap, would feed your poor in a better manner, and deliver them from the misery and hardship which now makes your people fly from their native country, and makes you the nurses of Europe, (so) that you have the trouble and expense of your children till they are grown up, and then other nations reap the profit of their labours. . . . I desire to speak one word to the citizens of Edinburgh. I know it is suggested that this union shall prejudice this city, as it shall prevent the concourse of your nobility and gentry, and consequently the trade of the city. . . . Though I do not grant that neither, be not concerned, you will gain it tenfold in the concourse of strangers. Not this author's family alone, but hundreds of familys in England, have their eyes this way, to engage in

your commerce, embark their stock in your trade, manufactures, and fishing, increase your shipping and improve your lands. . . . Whoever lives twenty years here will see you increase in wealth and people, and, in spight of an unhappy situation, increase in buildings too. Trade will and must bring inhabitants, and Edinburgh and Leith will certainly be as one city in a few years." *

What of the Church? Shall not Presbytery be endangered if Prelacy carry the vast majority in an united Parliament? Impossible! cries our author. Nothing made by human wisdom is indissoluble. Magna Charta might be broken. So might the Union; so might the Constitution. But the Scots would have the same security for their Church, as they would have for their lives and their property. Defoe took an extreme view of the limitation of the action of an united Parliament by the treaty. If the Church of Scotland is guaranteed by the Union, its security cannot be lawfully infringed by a hostile British Parliament, unless at the risk of rescinding the treaty, and dissolving the Constitution. But in doing so, it must dissolve itself. It would destroy the Constitution that made it a Parliament, and deprive itself of the right to legislate. Our author evidently did not anticipate the possibility of Liberation Societies and Disestablishment Committees. But his contention is valid, as far as any attempt on the part of an Episcopal Parliament to abrogate Presbytery, in favour of Prelacy, is concerned. Whether it could rescind the guarantee given to the Church of Scotland, in response to the wish of the Scottish people, is another question, which could not enter into the calculation of the writer. This question has come into prominence in our own time, and invests his reasonings with a present-day interest. These reasonings show us, at least, the opinion entertained by an acute scribe of the time, of the binding character, on posterity, of the settlement, agreed to

* *Essays*, III., pp. 9, 10, 34, 35.

by both nations. Men like Defoe evidently regarded the provisions of the Union—and the Act securing the Church of Scotland was to be embodied as one of these—as fundamentals of the Constitution, which could not be infringed, unless where reservations were expressly stated, without absolving both nations from their allegiance to that international agreement.

Defoe professed to see, in the outcry against surrendering the Church of Scotland to the supremacy of an Episcopal Parliament, the machinations of English enemies of the Union. He reminded the apprehensive Scots that, even if the High Church Party should attempt treachery, the Scots could count on the alliance of the Whigs to prevent the destruction of the revolution settlement, of which the recognition of the Presbyterian Church government was a part. But, might not the Court influence the Scottish elections, so that a large proportion of Episcopalian members should be chosen, or bribe the Scottish representatives to support anti-Presbyterian legislation? Might not the Government, he asked, just as probably and as successfully attempt the same manœuvre in the Scottish Parliament? Similar apprehensions were expressed in England, he reminded his opponents, with reference to an union with Scotland. The accession of forty-five Scottish members to the British Parliament was, on the contrary, regarded by the High Church Tories as a menace to the Church of England. The whole contention, arising from these ecclesiastical fears on both sides, was based on probabilities, and arguments of this kind, adduced against the union by prejudiced bigots in either country, were mutually destructive. To quieten such absurd fears, let both nations secure themselves by special Acts of Parliament. The union must then afford to Scotland a guarantee more reliable even than a Scots Parliament, for it would bind England never to attempt what there was otherwise no adequate security against her doing.

Our essayist found himself "once more in print," for the

purpose of refuting "those turbulent authors" who assailed his arguments from the patriotic side.* Was it argued that the Scottish Parliament, by abolishing itself, was trenching on the original right of the freeholder? What is it, he asked in reply, that constitutes the Parliament of Britain?—The Union. How is it constituted?—By treaty between the two nations, through their representatives. How do they bring it to pass?—By mutually dissolving their respective Constitutions, and forming one general Constitution. Upon what right do the present respective Parliaments depend?—The nationa right of the freeholders of both kingdoms, which entitles them, by the possession of their lands, to make the laws. Does this new Constitution destroy that right?—Not at all; but, reserving that right, regulates the exercise of it, and safeguards it by the limitation of the powers of the new Parliament.

Was it objected that Scottish members must take the sacramental test of the Church of England?—It is not true, replied our author, that even all English members are required to qualify themselves to sit in Parliament by conforming to the rites of the English Church. But shall not the consciences of godly Scotsmen be outraged by associating, in an incorporating union, with so wicked a nation as England, and involving their country in the guilt of its national vices?† Has not one Scottish scribbler heard a godly man confess in his prayer that England was worse than Sodom itself? Why the Society for the Reformation of Manners, if England is not a hotbed of iniquity, and altogether improper company for godly Scotland? Defoe proceeds, with amusing gravity, to dispose of such objections, by arguing that his countrymen have been in a hopeful way of improvement, during the last two reigns, as compared with that of King Charles II. He instances the vice of drunkenness, and allows himself a triumph over his adversary, from the fact that it is no longer regarded as

* *Essays*, III., p. 22. † *Ibid.*, IV., p. 9.

indispensable to hospitality to make a guest drunk. "Let this gentleman please to look back to the late general bent of the land to universal drunkenness, when a person of quality would like no servant, nor a servant like a master, that would not be drunk; when a man would not think himself welcome at my house, if I did not make him drunk, nor believe I thought myself welcome at his, if he did not make me drunk. If these vices are in their extremes dethroned, then England is in the right way, and 'tis to be hoped, by an union, you will help us forward to reformation." *

Our author found the heads of Scotsmen very hard, and meditated very uncomfortably on the fact. His reflections convey a very vivid idea of the stubbornness of public opinion to surrender to even the most plausible reasonings. Personal abuse was made to do duty for argument. The records of the controversy bristle with strong expletives of impatience and rancour on either side. Defoe, as a meddlesome Englishman, came in for a special share of these epithets. He managed to possess his soul in exemplary patience, considering the style of literary amenities in use between the disputants. "The management of this present treaty, I mean without doors," he complains in the preface to the Fifth Essay, "has something in it peculiarly odd, and to me very surprising. Reason and argument, nay, even demonstration, cannot reach it. Men will argue against, nay, banter and be witty upon the several branches; and yet at the end of the discourse, profess they do not understand them. They will be silenced, and yet not at all convinced. They won't believe, when they cannot reply. When they own they gain by it, they are not pleased. When they fancy they are losers, they are fond of complaining; and when they can't make it out, rail at those who endeavour to confute them. Words can have no effect on such persons, no argument can touch them;

* *Essays*, IV., p. 19.

either they cannot, or won't understand, but what they like. Bitterness possesses their souls, and breaks out too much at their tongues; and I must tell them, I think I bear more than my share of this from them, too, and that without cause. 'Tis hard, gentlemen, that an attempt calmly to remove prejudices (and I am sure I have done it both calmly and cautiously) should fill anybody with prejudices at the author. Scotland has been in some reputation for courtesy to strangers, and I should be very sorry you should break in upon that part of your character, only with a reconciler—an attempt to remove prejudices can have nothing in it, unless that the truths spoken move the spleen of some, who would not be reconciled, and therefore cannot bear the demonstration. Nor would I be mistaken here. I am far from being concerned at the ribaldry of the street, calling my name about in every ballad; making me the author of papers I never saw. When gentlemen lampoon one another, calling it mine and the like, this is an old method taken with me, and I am used to it.

> My muse must be the whore of poetry,
> And all Apollo's bastards laid to me.

The gentlemen are welcome, and the mob of writers, by all their witticisms, shall only provoke me to silence. I remember—and I wish some other gentlemen here would take the hint, as I do—my lord Rochester advising my lord ——, not to reply to satire and lampoon, has these two merry lines:—

> Fellows that ne'er were heard or read of,
> If thou writ'st on, will write thy head off.

He attacks the swagger of those pamphleteers who propose to make Scotland independent of the trade with England, by opening markets for Scottish products in other countries. Scotland, they asserted, need not go begging to England for a share in her colonial commerce,

or even depend on English markets for the disposal of her cattle and linen. Are there not outlets in France, Spain, Madeira, and the Canaries for Scottish goods? What, then, asks Defoe, is the state of Scottish export and import? He recalls the fact that in one year England had taken from Scotland as many as thirty-one thousand six hundred and eight head of black cattle, twenty-five thousand four hundred and seventy sheep, and one million eight hundred thousand ells of linen, representing £200,000 per annum. As Scotland, by prohibiting English manufactures, took little or nothing in return, this was largely a clear profit to the country. On the other hand, Scotland took more from France than she sent to it. Decline this profit and seek it elsewhere, if you can, he cried; but reflect first how many of your cattle Madeira will consume, and what trade you can expect to create in return with such an insignificant island, which cannot pay in bullion for your goods. He assures his sanguine antagonists that if the islanders were to receive all their beef from Scotland, they would not take five thousand bullocks a year. In view of the cheaper markets available to them, the Scots would probably not find it pay to transport a single ox thither. If, on the other hand, free trade is the result of union, how much more may Scotland expect to gain from England, by adding such articles as coal, corn, and salt to its export thither, not to speak of the advantages of free trade with the colonies, and the profits arising from articles, which Scottish merchants may import thence, and sell on the continent at an enormous gain?

But will not the acceptance of union by Scotland, cries the Presbytery of Hamilton, be an act of national perjury? Are we not bound by the National Covenant to uphold our Constitution against all hazards, and eschew even association with Episcopacy? Does it not enjoin us, not merely to resist Prelacy, but to use every possible effort to uproot it, even in England?—The Union, replies its champion, by no means interferes with any national religious oath. It

deals with the civil government of the two nations, and leaves intact, nay, guarantees the ecclesiastical constitution of each. But does it not subject Scotland to the legislation of a Parliament in which the English bishops have a seat? —Certainly not, is the reply. The bishops occupy their seats in the House of Lords as barons, and not as ecclesiastics. Granting even that the Solemn League and Covenant implies a civil obligation to pull down Prelacy by force, does it not require the Covenanters to attempt the impossible, and consequently invalidate itself? Surely they will not be so mad as the Fifth Monarchy men in England, who went out to crown King James with an army of twenty-five men! If it be only an ecclesiastical oath, let them make use of ecclesiastical means, and the Union will not offer any obstruction. "Here a fair field is given you, and I long, I confess, to see the war begin. But what are the weapons? Truly they are terrible ones—the word and prayer—and here you may execute your engagements to the full. Pray them down, and preach them down, and live them down; and the sooner this strife begins the better. I am sure the Union will be far from obstructing it, and I wish all the strife in Britain, I mean as to religion, was reduced to this." *

The antagonist against whom Defoe most frequently drew his sword was Mr. Hodges, whose writings had earned him the substantial recognition of the Scottish Parliament. Hodges was the champion of a federal union, and set himself to warn his countrymen against the evils of incorporation, in a series of papers, entitled, *The Rights and Interests of the two British Monarchies enquired into and cleared, with respect to Union or Separation.* His arguments were on every patriotic lip. A short review of them affords an insight into the contentions, directed from the anti-unionist side. Our patriotic Scot begins with the sweeping charge that "no argument hath ever been made use of in pleading for an incorporating union, but

* *Essays*, VI., pp. 25-26.

what is false and sophistical". He seeks an explanation of the failure of previous attempts at union during the last century, in the fact that incorporation had always been postulated, as the only possible mode of coalition. To attempt the incorporation of two nations, and yet preserve the national rights, liberties, and interests, which neither ought to surrender, he holds to be impossible. Such a mixture is too nauseous for his patriotic palate. What! Surrender a Constitution which our forefathers suffered so much to maintain, and which might well be the pride of any nation? Is not Scotland the most ancient kingdom of Europe? Can she not boast that she has never suffered conquest by Roman, Saxon, Dane, or Norman? This was a favourite argument with these perfervid patriotic pamphleteers, for they could thereby prick the overbearing Englishmen in a somewhat vulnerable point. "Whereas England," he cries, "hath been four times conquered, to wit, by the Romans, Saxons, Danes, and Normans, the Scots are the only people of Europe whom, though none more violently assailed, neither Romans, who conquered all the rest, nor any other nation have ever been able to conquer, since the first settling of their Government; who have been able to defend and preserve their national freedom and independency for several centuries of years, above the one third of the world's age since the creation!" * Our panting patriot will even have it that, though Scotland be the weaker, yet it is the preferable kingdom, in respect of "antiquity, honour, dignity of precedency, according to the fundamental rules of honour and heraldry everywhere acknowledged!" † England can make no pretension to come within range of the Scottish national pedigree, with its glorious record of untainted sovereignty, and must comport herself with becoming humility, if she is to expect so ancient a nation to unite with her on any terms. Scotland can only condescend to a federal union, on the

* *Essays*, p. 10. † *Ibid.*, p. 11.

model of that of the Dutch States or the Swiss Cantons. It must retain its separate Legislature and its separate Administration, as well as its laws and its Church, if its nationality—the proudest inheritance of Europe—is not to be effaced!

Mr. Hodges fails to see how the national interests of both can be secured in any other way, or how an union can be lasting, that does not respect these separate interests. The main effort of his work is, accordingly, devoted to show that incorporation would run counter to the national interests of his country. Incorporation can only result in reducing Scotland to the position of the most northern county of England. The Scots had already been deprived of their monarch, with most disastrous results to the prosperity of capital and country. But what must be the calamitous consequences of the deprivation of Government, Privy Council, Parliament, and other machinery of State? How will you indemnify Scotland for the loss of the right of having its king crowned in its capital? How make good to its nobility the loss of their legislative privileges, and the abolition of the great hereditary offices? How soothe the sense of injustice, if you cut down its parliamentary representation to one-third, while retaining the Parliament of England intact? If taxation is to be the standard of calculation, how explain the inequality in England itself where one county, which pays little to the revenue, is over-represented; while another, paying twenty or thirty per cent. more, is hardly represented at all? If the Scottish representatives be merged in a Parliament, of which they form less than one to ten, how can Scotland expect to have any influence on the legislation of the United Kingdom? The union of the Parliaments will mean little more than the fact that fifty Scottish members are to carry money to London and spend it for the benefit of English shopkeepers. England, he warns, will not only impoverish, it will absorb Scotland. The English game is simply to denude you of your Constitution, under

the pretext of the name Great Britain; and while she deprives you of your national Government, and your national Parliament, she does not in reality abate a jot of her own sovereignty. In Scotland, there are sixty royal burghs, with the right of separate representation. But many of these will be deprived of their rights, while England does not disenfranchise one, though it may not contain a dozen freeholders. She retains her Parliament intact; she profits by the acquisition of the power to control Scotland; and if she binds herself by some easy conditions, there is no real guarantee that she will perform them. There may be talk of a compact and its conditions so long as the parties remain distinct; but when the distinction ceases, the compact is good for nothing. "It is no less ridiculous to plead any compact," cries our pamphleteer, "than to suppose that a person, society, state, can make a compact with themselves. So that whatever pains is taken in concluding articles of agreement for an incorporating union, the labour can be bestowed to no better purpose than in making squibs and fireworks, that must all be blown in the air so soon as the work is finished." *

But is not Scotland entitled to conclude that the English will consult its interest in an united Parliament, and dispense equal justice, apart from national considerations? To this Hodges replies, that when Ireland, the Colonies, and the English Dissenters chime in with this assurance, it might be fit to found an argument on it. To say that the union will ensure against all friction for the future, was to argue contrary to history. Were not Spain and Portugal, Denmark and Sweden now separate, though once united? Was it reasonable to assume that the Scots would be slow to assert themselves, if provocation were given? Intensified friction would be the outcome of incompatible interests, and incorporation end in civil war.

Incorporation is further incompatible with the law that

* *Essays*, p. 36.

makes it treason to attempt the overthrow of the Constitution. Even if no such law existed, would not every Scotsman, who proposed to surrender the original and fundamental rights of the Scottish freeholder, be guilty of betraying his country? Those rights were independence, and the power to make the laws by which he is to be governed. That an incorporating union will rob him of these, he thinks established by the fact that five hundred members of Parliament will always be able to dictate to fifty. He denies that any treaty can annul the national birthright to freedom and independence. Even a parliamentary majority cannot effect this. Any freeholder can sell himself as a slave, but he has no right to enslave his countrymen, or to bind posterity to accept his act as valid. Parliament is but the trustee of the national rights, and is only entrusted with the duty of conserving and improving them for the benefit of the nation. These rights are not dependent on the will of Parliament. They do not even depend on any law. They are original and inherited, and to deprive the nation of them is an act of robbery. "It is contradictory to reason and equity that either free Estates, meeting in a vacancy of the throne, or a lawful Parliament, concurring with their king, can have any just power to surrender the said fundamental national rights, either to their own king, or any other king or nation whatever, or to shelter themselves by law from incurring the guilt of a crime of the highest nature, which no law can either justify, or excuse, if a subsequent Parliament think fit to prosecute the same. The reasons of these certain rights are plain and unanswerable,—to wit, that they are never in the fee of those rights, but only in the trust of them; therefore, they cannot transfer or alienate them; that they have no better right to be governors of a free and independent people, than such a people have to be governed by them, only as free and independent, and no other ways. Therefore, they can never make those unfree or dependent, who have as good right to be free and independent as themselves.

. . . Seeing, by their right of freedom and independency as *domini fundi* and freeholders, they are all alike free and equally independent of one another, as well as of all other governments, except only that of their own constitution, no part of themselves can have any power to dispose of these common rights of any other part or person, without at least a personal concurrence and express consent. Seeing, however, they have unanimously consented and agreed to be governed by the laws of the land, none of them did ever consent to part with their national freedom and independence, and be governed by the laws of another land. And for the same reasons with those above mentioned, it appears that if all in the kingdom having power to elect, either a baron or burgess, were present in Parliament, yet a majority of voices in such a matter could signifie nothing, neither could anything be concluded about it, save with the unanimous concurrence of every individual member, because, as hath been cleared, no part of the whole can have any power over another part, with respect to the mentioned fundamental rights, than the other part hath power over them. And although the whole did unanimously concur in resigning their own personal freedom and independency, and submitting themselves to a state of political slavery, by coming under the sole power and government of their own kings, or of another nation ; yet this could noways affect their posterity, or any succeeding generation, so as to exclude them from a just claim of right to the national freedom and independency of their other innumerable ancestors." *

Our author forgets that such dialectics could have little influence over practical politicians, called on to solve international difficulties in a spirit of compromise. Many of these pamphlets are couched in this strain of abstract reasoning. They smack of the scholastic text books, from which their authors had learned the art of disputation. They

* *Essays*, pp. 48, 49.

are too apt to run tilting against each other in the arena of mere syllogism, and are more concerned to prove the logical bearing of a proposition with the minutest detail, rather than deal with the practical issues of this question in a statesmanlike spirit. These performances thus reflect the cleverness of the debating society, rather than the sagacity and responsibility of the Cabinet. When Hodges descends from the region of theory into that of matter of fact, his conclusions are likewise too much biassed by the same tendency to refine, apart from practical considerations. He does not hesitate to affirm, for instance, that Scotland can derive no advantage from free trade with England and its Colonies. Have not the Dutch thriven by their commercial spirit, and might not Scottish enterprise easily emulate them? A share in the English colonial trade would only mean additional depopulation, from which Scotland had suffered so grievously. Were not the markets of Europe already amply supplied with sugar and tobacco? Let the Scots rather develop their fishings, and grow their own tobacco. Our author will not even admit that they can derive any advantage from free trade with England itself. English competition, he predicts, will ruin the Scottish merchant and manufacturer. Idleness and poverty, or the expatriation of its most enterprising sons to England, and other foreign fields of industry, are the only alternatives. Will not the Scottish higher classes hive off to London, and spend in England the rents which they grind out of their poverty-stricken tenants? The men of enterprise will follow their example, and betake themselves to the great English trading centres, to the loss of their own cities.

The consequences of this destruction of Scottish trade will, moreover, ultimately tend to the loss, as well as to the exclusive advantage of England. "For the Scots will find at length by sad experience that, in a way of reversing Pharaoh's dream, the lean kind and the fat being put together to feed in one meadow, the fat have wholly

eaten up the lean, except some heels, hoofs, and tails; and that England, having got into its body their Parliament, secret council, officers of state, the chief of their nobility and gentry, the most ingenious of their merchants, with the respective stocks, yearly rents, and riches of each, it cannot, in like manner, miss to draw the trade of Scotland into its bowels. It must follow, of course, that tradesmen are not like to stay long behind, when their customers are gone, and left their trades almost useless to them. Thus England may expect a deluge of all manner of tradespeople from Scotland, who, being able to live at half the expense of English tradesmen, shall be able to eat the meat out of their mouths, by underselling them in all their effects of trade. If the Scots pedlars are already such a grievance to the shopkeepers of England, and if there are just grounds for the complaints, which the English raise in London against the French artificers and retailers setting up amongst them, and forcing them either to submit to such a way of living as they cannot comply with, or to lose a great part of the profits of their trade, how much more sensible grounds of complaint should they have by so numerous a swarm of Scots tradesmen, able to live yet lower than the French, as the fatal consequences of an incorporating union would undoubtedly thrust in amongst them?"*

Incorporation, he argues in conclusion, cannot but be a loss, judged by the maxim that two are better than one. The examples of Spain and Portugal, Sweden and Denmark, prove this. As a separate kingdom, Portugal has advanced in power and wealth. As a Spanish province, it would have remained in a state of poverty-stricken inferiority. Sweden is both richer and more powerful under its own crown, than as an appanage of Denmark. Both might have obtained the same advantages from a federal alliance, which would have been impossible from incorpora-

* *Essays*, pp. 59, 60.

tion. Thus, concludes he, neither Scotland nor England can serve their respective interests by any treaty, which does not preserve their national integrity.

An important place is occupied in this controversy by William Paterson, whose fertile brain has occupied itself, since the Darien episode, in the attempt to solve the burning commercial and financial problems of the age. Paterson appears as a decided champion of incorporation. The failure of the effort to regenerate the economic conditions of Scotland by independent colonial enterprise, has, in his view, made a closer union imperative. His long residence in London, and his intimate acquaintance with the opinions current in the English commercial world, fitted him to be the exponent of the English side of the question. The work in which he dealt with the subject, and which contains a masterly delineation of the necessity and the advantages of incorporation, professes to give a report of the discussions of the Wednesday Club, in Friday Street, in London. The names of the club and the street are both fictitious, and the disputants merely express the thoughts that suggested themselves to an active mind, which had evidently examined the subject, both historically and practically. No Scotsman, he asserts, is opposed to union; the only question is: what kind of union shall it be? To the shrewd English man of business, the plan of a federal union is chimerical, and can afford no sufficient guarantee of harmony. The idea of settling the difficulty by imposing limitations on the successor, and negotiating a commercial treaty with England, appears equally futile from the English point of view. Communication of trade demands communication of Government. On no other basis can adequate security be assured. The Scots may limit the prerogative, and offer their "metaphysical crown" to whoever will agree to accept it. They will not regenerate their country, so long as England refuses to treat on these terms. Look, he exclaims, at the prosperous state of Scotland under the union, achieved by Cromwell. Was Scot-

land ever happier than when its sovereignty was conjoined with that of England? Did not the most baneful effects result from the restoration of Charles II. and a separate administration, with a prohibitive commercial policy on the part of England? But shall not Scotland be outvoted and subordinated in an united Parliament? As well ask whether England outvotes Wales, or Kent, or any of the former smaller states, now incorporated into one. The whole contention as to conflicting interests arises from the fact of forgetting that, in the United Kingdom of Great Britain, both countries are one. Moreover, the interest of Scotland can only be benefited by an union that must increase production, trade, and wealth, and diminish the burden of maintaining a multifarious poor. As to the objection that Scotland will lose by the residence of her legislators in the British capital, the sums carried to London will not absorb more of her wealth than the maintenance of the commissioner to her Parliament and the salaries of her ministers.*

A vast array of less formidable scribblers, when not engaged in refuting or enlarging on these stock arguments, added an occasional idea to the discussion for, or against incorporation. An united Parliament, cried one, is only consistent with absolute incorporation. If you preserve part of the Scottish constitution, why not a separate Government? He advocates this from a business, as well as a national, point of view. Union of privileges, burdens, and other interests did not necessarily involve union of administrations and legislatures. On the principle of self-interest, an united Parliament was an inadequate guarantee of protection to the subjects of the weaker nation. Had not separate parts of England suffered prejudice from the undue influence of others over its Parliament? While in favour of union, so far as mutual self-interest makes it desirable, he rejects any scheme that would make an

* *An Enquiry into the Reasonableness and Consequences of an Union with Scotland. Works*, I., pp. 167-251.

overwhelming English majority arbiter of Scottish affairs.* The reflection that in an United Kingdom there is neither Scot nor Angle, but only Briton, will prove but a merely nominal palliative of English neglect or hostility. Suppose the Court of Session and the laws of Scotland retained, how grievous will be the expense of appealing to the House of Lords, and how easily may the right of appeal pave the way for the removal of the Scottish Courts to London!

On the contrary, exclaims another zealous advocate of incorporation, a parliamentary union with England is our only guarantee against the slavery to English ministers, which has made Scotland poor and badly governed for nearly a century. It will tend to diminish religious contention and the better safeguard against Popery; it will contribute to render invasion impossible, which the friction between the two countries has ever encouraged, and enhance the influence of Great Britain in Europe; it will render the resources of each kingdom common to both, and thus increase its internal strength and prosperity. England, as the stronger nation, must always come off best, under the system of a regal union, however much you hedge the succession with limitations. The only alternatives are union, with peace and plenty, or disunion, with slavery and poverty. This union is not a surrender of sovereignty, but an agreement for the better government of both kingdoms. 'Tis nothing but sheer nervousness, or secret Jacobitism, to talk as if the Scots must apprehend every kind of injustice and roguery on the part of England. All these "specious pretences" and "plausible arguments" against surrendering the birthright of Scotsmen are so many phrases to beget fears and foment jealousies. Though never another Parliament were to meet at Edinburgh, what's the loss, he asks, if our laws and liberties be preserved in one elsewhere.†

* *State of the Controversy betwixt United and Separate Parliaments*, pp. 5, 6, 14.

† *Scotland's Great Advantages by an Union with England, shown in a Letter from the Country to a Member of Parliament*, pp. 8, 11. The author was William Seton, jr., of Pitmedden.

Beware, cries a third, how you invoke disunion by a short-sighted patriotism, and provoke to bloodshed. Will not the spectacle of two Protestant nations, drawing their swords to perpetuate the animosities of centuries, be a hideous commentary on their creed, the scoff of Rome, and the delight of their enemies? How can a federal union consist with the traditional strife of party, which must make the Scots Parliament an intolerable thorn in the side of the sister federal state? If you fear that a British Parliament will overturn your Church and alter your laws, provide against these fears by inserting a clause into the treaty that the United Parliament may not legislate any alteration of Church government, without consent of the General Assembly and the Scottish Estates. For such purposes, let the Estates be allowed to exist for deliberation, though not for legislation. It is pure folly to assume that Englishmen shall have so little regard for the security of their rights and liberties, as to strike a blow at those of Scotland. In any case, does not the contravention of the treaty relieve you from all obligations, and restore your separate Parliament to resent the encroachment? Even with your Parliament, you will not be a whit better off, as regards English influence on your affairs, than you now are. That two Parliaments can work harmoniously in the imposition of taxes, the settlement of peace or war, is impossible in the eyes of the Trimmer, who already sees the Union breaking in pieces, under so serious a strain.*

Both schemes of an incorporating and a federal union are bad, argues another writer, who attempts to strike the medium between the two. A general union, involving the destruction of the constitutions of both kingdoms, "is no more to be expected than the annihilation of this world, and the resurrection of another".† The second is too

* *The Trimmer; or, Some Necessary Cautions concerning the Union of the Kingdoms of Scotland and England*, pp. 4, 5.

† *An Essay upon the Union of the Kingdoms of England and Scotland.* Somers, *Tracts*, Vol. XII., pp. 5-10, 19.

precarious to be worth naming. Let the national laws, Parliaments, and Churches remain, and for the rest, let Scotland and England be as one country, in regard to trade, peace and war, taxes, administration of revenue, and general legislation. But how can an united Parliament subsist by the side of two national ones? With perfect facility. Let so many Scottish peers and commoners be admitted to deliberate and vote on legislation that concerns the United Kingdom. Retain the Scottish Parliament to legislate on purely Scottish affairs, and let a like number of English commoners and peers be admitted to see that this limitation is observed, but without the right to vote. The presence of the English deputies in the Parliament House will have two good results. It will bring money to the Scottish capital and help to propagate a better temper between both peoples.

On the contrary, cries the earl of Cromartie, your national Parliaments, and all the rest of your patriotic shibboleths, are a snare and a source of division. "Unless we be a part of each other, the union will be as a blood puddin' to bind a cat—that is, till one or the other be hungry, and then the puddin' flyes. May wee be Brittains, and down goe the old ignominious names of Scotland and England. Scotland or England are words unknown in our native language. England is a dishonourable name, imposed on Brittain by Jutland pirates and mercenaries usurping on their lords."*

The question formed the theme of sermons as well as of letters and pamphlets. One preacher discoursed, at the "Mercat" Cross of Edinburgh, to a popular audience, and managed with great agility to wrest his text to yield an exhortation in favour of incorporation. The heads of his discourse were somewhat mundane. They embraced increased trade, more work, and better pay. Our vigorous preacher thumped federation out of the pulpit with little

* *Cromartie Correspondence*, II., 1-2.

ceremony. Even a federal union demanded an united legislative assembly, as shown by the constitutions of Holland and Switzerland. Think, he shouted, of the enhanced power and influence by becoming part of a mighty Parliament, where your representatives have a share in the disposal of £6,000,000 of revenue, instead of £500,000. The style of our plain-spoken pulpiteer is amusingly reminiscent of the Capuchin preacher in Wallenstein, as he directs charge after charge of political dogma on his hearers. "I have set before you to-day," he concludes, "on the one hand, industry and riches, on the other, pride and poverty. I have not required a blind assent to what I affirm. I have not opposed my opinion because it is fashionable, or because such a lord, who is my friend and patron, thinks so, or because Mess John, or Mess James, said so, or because my drunken companions swear, Damn them, it is so! I deal with you as reasonable men, and have purposely insisted on such arguments as are obvious to the meanest understanding." *

We turn with quickened interest from the arguments, with which these tracts bristle, to a letter which professes to give an account of the reception of the treaty at the Edinburgh street corners, and in the Edinburgh taverns. After glancing at the preliminary parliamentary debates, our correspondent pours out the phial of his unionist wrath on the street corner politicians, who were filling the town with their denunciations. "Never did wilful ignorance,† contradictions, and inconsistencies triumph in our streets at such an extravagant rate, as at this time, by reason of the mistakes and misrepresentations that have been made about it (the treaty). . . . Here you may find several persons exalting an union of confederacy, and at the same

* *A Sermon preached to the People at the Mercat Cross of Edinburgh on the Subject of the Union*, pp. 15-16.

† *Letter to a Friend giving an Account of how the Treaty of Union has been received here.* It was written by John Clerk, jr., of Pennicuik.—*Memoirs*, p. 244.

time exclaiming against that article of the treaty concerning equal duties, customs, and excises in both kingdoms, as if there could be an union of confederacy, a communication with the English in their trade, without equal burdens. Some extol England for a wise nation, and yet at the same time are arguing that a communication of trade might be granted to us, without these burdens, as if the English would make themselves notoriously remarkable for folly and stupidity. . . . Others quarrell, amongst other things, with the charges the nation will be put to in sending up sixteen Peers and forty-five Commons to the Parliament of Great Britain, and at the same time, both in words and writings, they cry out against that number as a small, dishonourable representation. Some are regretting the extream poverty of the nation and scarcity of money; yet, notwithstanding, they exclaim against the Union as a thing that will ruin us; not considering that our case is such, that 'tis scarce conceivable how any condition of life, we can fall into, can render us more miserable and poor than we are. For, 'tis well known, that many of us live with difficulty, and many thousands of our nearest relations are obliged to leave their country for want of bread and employment. . . . Some are earnestly wishing a sudden revolution, success to the affairs of France, and confusion to the Presbyterian Government. But no sooner they fall a speaking of the Union, but they regret the danger of our civil Government, as having no security, and cry for fasting, and praying that God may protect His Church and defend His people. By which they give the greatest evidence of atheism and prophanity that hell itself can suggest. In a corner of the street you may see a Presbyterian minister, a Popish priest, and an Episcopal prelate, all agreeing together in their discourse against the Union, but upon quite different views and contradictory reasons. . . . Here you might likewise see the Dutch and the French endeavour to wheedle us out of our senses by the plausible, popular topic of liberty, property, sover-

eignty, and independency. The Dutch see they run a great risk of being wormed out of their herring fishing, that most valuable branch of their trade. The French, because of that vast increase of power that will accrue to Brittain, when united, whereby they will (with more justice than now, when divided) be called the bulwark of the liberties of Europe, and terror of the world." *

Fletcher was not found napping while discussions,† so pertinent to the welfare of the country, were raging in the taverns, or the street corner. He measured swords, not merely with his fellow-legislators on the floor of Parliament House, but with supercilious English aristocrats, like Sir Edward Seymour. He was walking one day in December, 1703, he tells us,‡ in the Mall, when he was overtaken by the earl of Cromartie and Sir Christopher Musgrave. The earl invited him to dine with him at his rooms. A political discussion, in which Sir Edward, who afterwards joined the party, took part, ensued. Fletcher soon broached his patriotic theme, and defended his scheme of limitations against Sir Edward's insolent irony, and my lord Cromartie's cautious objections. The earl ventured to suggest a remedy, in incorporation, for the disadvantages under which Scotland had laboured since the Union of the

* Pp. 5-8.

† Among other pamphlets in which these arguments occur, the following deserve mention:—*Trialogus; a Conference betwixt Mr. Con., Mr. Pro, and Mr. Indifferent, concerning the Union. Letter from Mr. Scrupulous to Trialogus concerning the Union. An Answer to some Queries relating to the Union, in a Conference betwixt a Coffeemaster and a Country Farmer. The Smoking Flare unquenchable, where the Union betwixt the Two Kingdoms is dissicated, anatomised, confuted, and annuled. The Testamentary Duty of the Parliament of Scotland with a View to the Treaty of Union. The Comicall History of the Marriage betwixt Fergusia and Heptarchus. Lawful Prejudices against an Incorporating Union with England.* These and others, bound in two volumes, entitled *Tracts on the Union.* Others in Somers' *Tracts*, Vol. XII.

‡ *An Account of a Conversation concerning a Right Regulation of Governments for the Common Good of Mankind, in a Letter to the Marquis of Montrose, the Earls of Rothes, Roxburgh, and Haddington.* From London, the 1st December, 1703.

Crowns. "Not so much for the grievances of Scotland," replied Fletcher, "as for the drawbacks, which England wishes to remove solely in her own interest." To prove this, he takes a glance at the international relations of the last half-century. England, he insists, has always suggested union merely in the hope of amusing the Scots, when she apprehended any danger or inconvenience from Scottish legislation. Union, he contends, can only aggravate the bane of Scottish poverty. "How, I pray?" inquires the earl. "Because," returns Fletcher, "Scotsmen will then spend in England ten times more than they now do. Besides the sums carried out of Scotland by Scottish members of Parliament to the English capital, all the gentry will take up their residence in London, as does that of Ireland already. Scots in search of fortune, or public employment, will become aliens to their country, and if they come to great wealth will purchase lands in England. Increase of trade is nothing but a visionary supposition." "But," objects his opponent, "you talk as if Scotland is to remain a separate nation, and the Union will create one country of Great Britain, with general benefit to the whole." "On the contrary," replies Fletcher, "Scotland, in making a bargain, ought to have regard to what gain or loss will result to her individually from it. If there is a probability that Scotland, as remote from the seat of Government, will be liable to suffer from the drain on her wealth and people southwards, is she justified in sacrificing her interests for the shadowy promise of future returns? Remove the English influence on Scottish affairs, and cut off the inducement to frequent the English Court, and the main cause of Scottish depression will be eradicated. For we shall then be possessed of liberty, and be free from the corruption of a Court. We shall have the certain and constant alliance of a powerful nation, of the same language, religion, and government, lying between us and all enemies, both by sea and land, and obliged in interest to keep perpetual peace and amity with

us." * "But the wealth of the United Kingdom will circulate to all parts of it," contended his lordship. "Why, then, has it not circulated to Wales, which has been united to England these four hundred years? No, no, the only outcome of free trade must be the ruin of Scottish manufactures by English competition. Has not England shown in her dealings with Ireland, with which incorporation has actually taken place, under the name of conquest, a jealous partiality for maintaining her interests, at the expense of those of the Irish? May not Scotland expect the same fate, if after the union the Government should seek to deprive her of the so-called privileges union is to bring?" "But it shall certainly be our interest," interrupted Sir Christopher, "to observe the conditions on which we unite with Scotland." "Do you think," asked Fletcher, "that you always follow your interest? Has the union temper been characteristic of Englishmen in their treatment of their own Colonies, and the countries they have conquered? The scandal of the English treatment of Scotland is known but too well to all Europe." This was too much for Sir Edward's keen temper. "What a pother is here about an union with Scotland," cried he, "of which all the advantages we shall have will be no more than what a man gets by marrying a beggar—a louse for his portion." "If these words had been spoken in the House of Commons," retorted Fletcher, addressing the earl and Sir Christopher, "I might not take notice of them, or question his freedom of speech in that place; but since he is pleased to express himself after this manner in a private conversation, I shall likewise take the liberty to say that I wonder he is not afraid such language should make us suspect him not to be descended of the noble family, whose name he bears." "What account," shouted Sir Edward, in a furious passion, "should we make of Scotland, so often trampled under foot by our armies? Did not Protector Somerset at the battle of Musselborough, give you such a rout as destroyed

* *Works*, p. 399.

the best part of your nobility and gentry? And of late years, did not the very scum of our nation conquer you?" "Yes!" retorted Fletcher, "after they had, with our assistance, conquered the king, and the nobility, and the gentry of England; and yet that which you call a conquest was a dispute between parties and not a national quarrel." "'Twas," said Sir Edward, "inseparable from the fortune of our Edwards to triumph over your nation." "Do you mean Edward of Carnarvon," asked Fletcher, "and his rout at Bannockburn?" "No," returned the other, "I mean Edward the First and Third, whose heroic actions no princes have ever equalled." "Sure," said his opponent, "you do not mean the honour of the first, or the humanity of the third, so signally manifested at Berwick, in the murder of Wallis by the first Edward, or the poisoning of Randolph, earl of Murray, by the third, after they had both refused to give battle to these heroes." Sir Christopher, whose grave temper could not brook these mutual reproaches, interrupted, and invited Fletcher to explain himself further touching an union between England and Ireland.* The argument then diverged into an attempt, on Fletcher's part, to illustrate the injustice and selfishness of the English repression of Irish trade, and on that of Sir Christopher, to defend the fairness and prudence of English commercial policy. It wandered further afield into a general discussion of the methods of government best fitted to maintain harmony among the European nations, which Fletcher found in a scheme of ten federations, actuated by the principles of justice, and not swayed by the personal ambition of princes. It concluded with a demonstration that multiplicity of administrations is preferable to centralisation, on the ground that it tends to the increase and just division of trade. Therefore, argues Fletcher, let the Parliament of Scotland be preserved.

This review of the controversy that raged in both capitals, and drew both countries into its vortex, will

* *Works*, pp. 411-413.

enable the reader to form a notion of the arguments with which logic, ingenuity, patriotism, and fear, assailed or defended the proposals of the commissioners. On either side, they are the arguments of partisans, who could not be expected to surmount the influences of the time. The historian who attempts to occupy the place of judge, will prefer to postpone passing sentence on the contentions of the disputants, until he has inquired how far the result has justified or exploded them. Be it, in the meantime, remarked, that the scruples of the patriotic opponents of union are intelligible, when we consider the magnitude of the sacrifices they were called on to make. To surrender government, Parliament, and independence, might well seem to men, who had inherited a free constitution, and who felt the rancour of international friction, a betrayal of their highest interests. Posterity must sympathise with their demand, that before this surrender was made, Parliament should be invested with the decisive authority of the electors. A question so momentous ought to have been directly submitted to the wisdom of the nation, as well as its representatives. After the negotiations of the commissioners were finished, if not before, a new election was indispensable, if the measure was to be handed down to posterity, with the indubitable sanction of both nations. The fact that it was hurried through the Scottish Parliament, as if to outwit and ignore the country, is an objectionable feature of the unionist tactics. That incorporation was inevitable, in view of the English ultimatum, may be admitted. Both commissioners and Parliament might fairly claim to have acted under a sense of public duty. But those who argued that "a complete union" necessarily involved incorporation had not duly looked at all sides of the question. What was there to hinder Scotland from identifying its international and foreign interests to the fullest extent with those of England, and yet retaining its own Parliament for the transaction of purely Scottish business? That a British Parliament was not inconsistent

with two national Legislatures has been proved by the history of Germany and Austria, or, to keep within our own empire, by that of the British Colonies. Probably no one at this time of day will hazard the assertion that a Reichstag, with subordinate local Legislatures, would not have served the purpose of "a complete union" equally well, if not better. All the interests of the United Kingdom, as such, would still have been under the control of the united Parliament; while national questions relating to the distinctive institutions of each—to the Church, to education, to judicature, to municipal government, etc., which even an incorporating union left intact—might have been delegated to the national Legislatures. The fact is that incorporation was one of those words which are made to do duty in political controversy to signify what they do not really mean. It was absolutely impossible, under the circumstances, and it has not even yet taken place. Reservations were unavoidable, and are still unavoidable. To incorporate the Scottish legal and ecclesiastical systems with those of England was, and still is, out of the question. Why not also except the Scottish Parliament? The answer is, as the Scottish commissioners discovered at the outset, that England was determined not to have it so. Her statesmen feared the risks of a national legislative assembly sitting at Edinburgh, and thought it expedient for the interest of England to abolish it. But, in coming to this conclusion, they were swayed rather by the memories of the past, than by considerations as to the future. Expediency suggested that it would be well to get rid of what had been accounted a standing danger to the stability of international peace and the harmony of international policy. There is nothing to show that the maintenance of the Scottish Parliament would have proved a danger to the stability of the one, or the harmony of the other. The small Jacobite element would have lost its dangerous importance had the aspirations of Scotland been reasonably satisfied, and the

possibility of continuing its intrigues, under false pretences, removed. As it was, the abolition of the Parliament did not prevent three subsequent attempts at rebellion. Probably its suppression made them possible, and enabled them to assume the semblance of revolution. On the other hand, the advocates of the preservation of the Scottish Parliament seem to argue from the thesis that Scotland alone was being summoned to surrender its Constitution. They forgot that England likewise offered to give up its distinctive Parliament in favour of an united Constitution, and that, in this respect, the sacrifice was mutual, though greater for Scotland. The fact that incorporation was an English proposal, and indeed an English ultimatum, seemed to its Scottish opponents to give it the aspect of a manœuvre of English statesmen against the sovereignty and independence of their country.

In regard to the other main contention, discernible through the maze of this controversy, *viz.*, whether the advantages of the so-called incorporation outweighed its disadvantages, it is evident that Defoe came nearer being a true prophet, than either a Fletcher or a Hodges. His sagacity in predicting the wave of advancing wealth that was to replenish impoverished Scotland is as striking, as the shortsightedness of his adversaries, in foretelling the ruin that appalled their imagination, is singular. Prosperity did not, it is true, come so speedily as was predicted. But it came ultimately. This part of the patriotic argument broke down entirely, as we shall see, when we come to survey the beneficial effects of the Union on the prosperity of Scotland. The same will ultimately have to be said of many of these apprehensions based on suspicion of English honour, whether on political, ecclesiastical, or commercial grounds. Looking at this heated controversy in the light of the future, we are forced to admit that, on the national side, prejudice was largely made to take the place of argument, while we can easily perceive and make allowance for the reasons of such prejudice.

CHAPTER IX.

THE FINAL STRUGGLE (1706-1707).

BEFORE directing attention to the debates in the Parliament House, let us cast a glance at the attitude of parties, in order the better to understand the exciting scenes, about to be enacted both inside and outside Parliament.

What the attitude of the Jacobites would be was not difficult to foresee. They had hitherto acted with the Country Party in contending for limitations and a treaty. Their real policy was to bring about a disruption between the two nations, and pave the way for the accession of the Pretender. They had secretly striven to increase, rather than lessen the obstacles to a harmonious settlement of both questions.* Hitherto they had been sceptical of union, and had indulged among themselves in sneers and jests at what they deemed a chimerical project.† They vaunted their numbers and their popularity; and Lockhart is even found asserting that the vast majority of the nobility, those of the western shires not excepted, were enthusiastic for King James. The assertion is a palpable exaggeration, and can only mean that our partisan historian purposely did not distinguish between Countryman and Jacobite. Though they concurred in the patriotic sentiments of the Countrymen, they hoped to postpone any settlement of the grievances of their country, that would not involve the

* *Lockhart Papers*, I., p. 120; *cf. Marchmont Papers*, pp. 303-310.

† One writer on the subject of the Union, in referring to the difficulties in the way of its realisation, speaks of the project as "a meer speculation". *Cf.* Defoe, *History*, p. 98.

realisation of their own secret policy. This is apparent from the persistence with which they maintained secret communications with the Courts of Versailles and St. Germain's. While posing in Parliament, in patriotic garb, on the question of the limitation of the prerogative, side by side with a Fletcher and a Belhaven, they were busily pursuing intrigues for the restoration of an absolute monarch. Instead of championing an union, which would raise the sunken prosperity of their country, they were scheming how to bring about a war with England, that would overturn the revolution settlement amid scenes of bloodshed and devastation. During the critical Session of 1705, one of those numerous emissaries, that kept the claims of the Pretender warm in the minds of the Scottish Jacobites, turned up at Edinburgh, with missives to the dukes of Hamilton and Gordon, the marquess of Montrose, and the earls of Home, Errol, and Marischal. Colonel Hooke, the emissary in question, was a remarkable type of the political adventurer of the day. He was born at Drogheda in 1664, had been a student of Glasgow University in 1680, and chaplain, of the Independent persuasion, to the duke of Monmouth. After the battle of Sedgemoor, he had remained some years in hiding, but at length gave himself up, and obtained a pardon. Whether from motives of gratitude or policy, he changed both his politics and his religion, and became as fervent a Romanist and Jacobite as he had been a Protestant and Whig. He doffed his clerical garb for the soldier's tunic, and fought at the battle of the Boyne for King James. He subsequently entered the service of King Louis, and henceforth figured largely, as Colonel Hooke, in the political intrigues carried on, both before and after the Union, between France and Scotland.* He appears as a person in high credit at the French Court, and, as the numerous papers and letters which he wrote in reference to Scottish affairs, during the interval between

* For a sketch of his life, see Preface to Vol. II. of the *Hooke Correspondence*.

1703 and 1709, demonstrate, justly merited the reputation of being "a mettlesome, pragmatical fellow". Lockhart concluded him too rash, too opinionative, and too talkative to be a successful intriguer, and was abashed by the boldness of the resourceful plenipotentiary, in proposing, on his opportune arrival at Edinburgh during the Session of 1705, to address the Country Party in Patrick Steel's tavern, and exhort both Countryman and Cavalier to declare for King James in the Parliament House! The numerous papers, which remain as the monument of his diplomatic activity,* give a more favourable impression of his tact and prudence, and prove him to have been possessed of a keen observation and intuition.

The letter from Louis to the duke of Hamilton, of which he was the bearer, conveyed the assurance of his particular affection, and of his earnest desire to give substantial marks of it to both him and the Scottish people. The duke, significantly remarked Louis, was more concerned than any one else in the preservation of the laws and privileges of Scotland, and might rely on his aid in advancing both his own and the national interest. Hooke† also brought letters to Hamilton and others from the ex-queen, exhorting them to rise to the occasion.‡ In addition to being the bearer of these letters, he was commissioned to represent to the duke and his friends the favourable opportunity afforded by the war, and the discontent of Parliament and people, for a rising, either in the Pretender's interest, or for the emancipation of Scotland

* See *Correspondence of Colonel N. Hooke in the years* 1703-7, edited for the Roxburghe Club by the Rev. W. Dunn Macray. Part of the correspondence was hitherto accessible in a work entitled *Revolutions d'Ecosse et d'Irlande en* 1707, 1708, 1709. An English translation was published at Edinburgh in 1760. The two large volumes, published by the Roxburghe Club, contain a very full account of the negotiations of 1705, omitted in the French compilation.

† *Correspondence*, I., 169.

‡ Hamilton, it appears, had already received two letters from the queen, who complained that he had left them unanswered.

from English thraldom. French troops could ill be spared at this critical juncture, but money was lavishly offered to help the Scots to effect their deliverance by their own valour. He was likewise instructed to find out the resources of Scotland in men, artillery, ammunition, horses, and provisions, and whether there was hope of effective co-operation by the Jacobites of the north of England and of Ireland.

Hooke, who landed at Slains Castle, the seat of the earl of Errol, in the beginning of August, 1705, hurried to Edinburgh, where he found a hiding-place in the house of Lady Comiston. The prospect was not at first hopeful. The zeal of the Jacobite chiefs, he complained,* had cooled, owing to the want of encouragement from France to second their efforts in Parliament. The marquess of Montrose was reconciled to the Court. The efforts of the duke of Gordon to re-animate the party had hitherto made shipwreck on the spirit of dissension among the leaders. Many of the Jacobites had lost confidence in the duke of Hamilton, who was suspected of pursuing his own interest, instead of that of the exiled dynasty. The leaders were at first very shy of communicating with Hooke, and only became less wary on hearing that he had brought a sum of money to aid the work of negotiation. The knowledge of this fact produced a considerable show of zeal. Errol estimated that two-thirds of the people were favourable to the Pretender's cause. He confirmed, however, the rumour as to the duke of Hamilton's untrustworthiness, and asserted that he had supported the limitations of the prerogative, in order to lighten the yoke of the monarchy, and get himself nominated to the throne, out of gratitude. Hooke determined to try his skill on the duke notwithstanding, as his primary purpose was to foment rebellion in the interest of France, rather than of any individual, or party.

* See, for full report of his proceedings, *Mémoire donné à MSS. de Torcy et de Chamillart à Fontainebleau le 17 Oct.*, 1705. *Correspondence*, I., p. 372 *et seq.*

Through a priest named Hall, who enjoyed the duke's confidence, he learned that his grace was willing to receive him in his apartments at Holyrood House. The duke took the precaution of stipulating that the meeting should be at night, and in a dark room, in order, as he explained, to be able to say, in reply to presumptive inquiries, that he had not *seen* Hooke. He was greatly elated at the letter of the King of France, which he retired to a lighted apartment to peruse. On his return, he professed his allegiance to the exiled House, but regretted that there was neither vigour, nor unanimity among its supporters. The Jacobites, he complained, had mostly opposed his measures, and given him more trouble than the partisans of the Court. The only expedient to secure the support of a substantial parliamentary majority against the Union was to bribe members, as had been done in its favour by Queensberry, who had brought a sum of money with him from London for this purpose, and had already seduced some of the northern members. Hooke demurred that the purchase of a few burgh members would not make Scotland rise, and nothing less would be of service either to his master or King James. "It will, at least," insisted Hamilton, "make me master of Parliament, and thus prevent the Union and the Hanoverian succession." "To maintain a parliamentary battle will not be a diversion in favour of France," objected Hooke. "Our object," returned the duke, "is not to make a diversion in favour of France." "You have no remedy left," replied his opponent, "but to take arms, and if so, you must depend on French succours. And what," queried he further, "is the design of this parliamentary opposition, so irritating to England, if you are not prepared to enforce it by arms?" "Our aim," said Hamilton, "is to be no longer the slave of England. If the queen dies without succeeding in settling the succession—and her zeal on its behalf is by no means above question--we can separate our crown, and oblige England to grant conditions." Hooke saw in this reasoning a latent hope that

Hamilton himself might be the successor, although the duke professed to believe that the queen really favoured the Pretender, and that even Godolphin and Marlborough might be gained to his side. He was probably correct in divining the secret policy of his opponent. This policy partly explains the anxiety to convince Hooke that any attempt to settle the Scottish succession independent of England, must be supported by ample succours from France.

The interview only ended with the approach of dawn. It was renewed the following night, and continued again till daybreak. So anxious was the duke to gain some vantage ground for his secret hope of winning the Scottish crown that, at the first sign of returning day, he threw himself into a bed, and continued to argue the point from behind the curtains! Hooke left him under the impression that he would endeavour to foment a rising under the auspices of France, apart from the interests of King James, and to the advantage of any individual or party, as far as his master was concerned. On turning again to the pronounced Jacobites, he found the earl of Home eager to appear at the head of five hundred horsemen, and, with lord Stormont, ready to answer for the south. The bishop of Edinburgh was willing to undertake for his co-religionists, if their consciences were appeased by a declaration, on the part of the Pretender, that the Protestantism of the country would not be violated.

The double *rôle*, which Hooke attempted to play, was not fitted to unite the dissentient leaders in support of a serious attempt, in the meantime at least. A third interview with Hamilton only accentuated the fact of the growing friction, which, as we have seen, ended in complete disruption over the vote on the nomination of the commissioners, and which was to break out over the discussion on the treaty in the coming Session. He bitterly denounced the Jacobite leaders as impracticable and suspicious visionaries, with their plan of a landing of King

James at Leith, and contended that only a Protestant prince on the throne of Scotland, in other words himself, could unite the nation in resistance to England. Hooke found it impossible to reconcile these warring contentions, and succeeded in achieving nothing more definite than a promise to send deputies to France, with the Scottish wineships in October, to discuss a rising with the Courts of St. Germain's and Versailles. Our emissary took his departure with a bundle of letters to the potentates of both, containing assurances, whose intensity was proportioned to the principles and hopes of the writers. Hamilton, in his epistle to Louis, regretted that, owing to these dissensions, no concerted action was at present possible. He hoped that Louis would still extend his protection to his oppressed nation, and referred him to Hooke for a statement of his own particular views. The letter was signed "Sara Brown"; and the signature, if we may credit Hooke, was in the duke's own handwriting. In the epistle to the ex-queen, he excused his former omission in not writing, by the pretext of want of opportunity, and concluded that a policy of waiting was the only practical policy for the present.

Several months after Hooke's departure, a Mr. Fleming * turned up at Versailles, to assure M. de Torcy, on behalf of the Scottish Jacobites, of the promising field in Scotland for the operations of French regiments and French louis d'ors. In the summer of 1706 he was followed by Captain Straton, who was commissioned to discover definitely what assistance might be expected. Straton waited until the arrival of Lockhart from London towards the end of July. Our commissioner had managed to combine the *rôle* of informant of his party, as to the treaty negotiations, with that of intriguer with the English Tories. He had sounded the duke of Leeds, lord Granville, and others, on the question of

* *Hooke Correspondence*, II., pp. 22-31.

co-operation with their Jacobite sympathisers in the north. The report he brought back was not encouraging. The supporters of the Pretender saw no chance of a successful intrigue as long as the queen lived. The captain bore this news, as purser on board a Leith trader, safely across to France, but could effect nothing in the way of organising a French invasion. After Ramillies, King Louis found himself unable to raise a sou or spare a man for the benevolent purpose of invading Scotland. Straton had to content himself with the renewed expression of Louis' kind regards, and a second bundle of letters to Hamilton, Errol, Marischal, Stormont, Athole, and Montrose. The last-mentioned, according to Lockhart,* "was turned such an obstreperous renegade that it was to no purpose to make any attempt on him". The captain might congratulate himself that the Government, which was initiated into the intrigue by Montrose, professed to take him for the humble supercargo of Captain Tait's vessel, and left him to wear his head in peace.

The politicians who were so deeply involved in treason to the Constitution, could not be expected to receive with open arms a treaty, which was the death-blow to the projects of rebellion. The prospect of its speedy triumph in the Scottish Parliament moderated dissensions for the present.† They turned from hopeless intrigues to upset the revolution settlement, to the task of dogged opposition to a movement, which was intended to consolidate it, beyond the possibility of overthrow.

The attitude of the bulk of the Country Party, which was not Jacobite, might be expected to be as uncompromisingly hostile, on patriotic grounds, as was that of the Jacobites, from reasons of policy. A treaty that would rob Scotland of its sovereign Parliament, and seemed to reduce it still more to the dependent position of a satellite of England, could never hope for the approval of a Fletcher

* *Papers*, I., p. 150.
† *Hooke Correspondence*, II., p. 85.

or a Belhaven. They were anxious for better terms of partnership, but would never consent to buy them at the price of their patriotic convictions. "Belhaven," wrote Roxburgh, on the 19th September, "is like a madman, roaring against the Union, and telling without ceremony, duke Hamilton swears he'll rebell."* To men of this stamp the surrender of what Scotland had fought for centuries to maintain, was nothing less than sacrilege. Their patriotism might be narrow, but it was undoubtedly sincere and passionate; and we shall find they did not want plausible arguments to vindicate their hostility and their apprehensions. Their opposition was all the more serious a prospect for the fate of the treaty in Parliament, inasmuch as they could count on a large amount of popular sympathy. Their opinions and their prejudices were alike fitted to enrol in their ranks the conservative feeling of a people, that naturally regarded with dislike what looked like a proposal to efface its national existence. They could appeal with special force to the fears of the Presbyterians, on behalf of the contention, that to abolish the Scottish Estates was equivalent to placing the fate of the National Church at the mercy of an Episcopal Parliament. They might thus hope to raise division among the supporters of the Government, by calling the nation to a crusade against the Union, on religious as well as patriotic grounds. The use they were to make of this element of fear and discontent appeared to Defoe a mere party manœuvre. "There was a party," he says, "who vigorously and violently, by all manner of artifice, trick, and underhand dealing, opposed this union, merely upon political enigmas, reasons of party, founded on State principles, ambition, emulation, party pique, prejudices, and a vast variety of unhappy conjunctions, as served to inflame and agitate their spirits against it."† This is certainly a biassed estimate of the probity and patriotism of those passionate

* *Jerviswood Correspondence.*

† *History*, p. 220.

Countrymen, who were soon to make the Parliament House resound with their arguments and denunciations of what they regarded alike as treachery to the Constitution and dishonour to the manes of their forefathers. That their opposition afforded the Jacobites an opportunity of continuing their unworthy alliance has not been sufficiently discriminated by our author. Their hostility might be shortsighted and prejudiced, but it was not the fruit of a dishonest policy. The Countrymen agitated to save the national heritage from what seemed to them the fate of Esau's birthright.

The prospective attitude of the New Party towards the treaty is of more interest, because of more importance, than that of Jacobite or Countryman. Its importance lies in the fact that they had it in their power to turn the balance either for, or against the Union.* The Squadrone, as it was called, was a compact body of about twenty-five members. As between the Government following and their opponents it could simply decide the destiny of Scotland. Hitherto, it had adopted the policy of pressing for the settlement of the succession, with limitations, in preference to an incorporating union. Its leaders had been feeling their way, both before and during the treaty negotiations, as to the difficulties of incorporation. They had gradually accepted the conclusion that this alternative was preferable to that of continued international friction, with the prospect of a French invasion, on the strength of it, in the near future. "*I must be convinced*," † wrote Baillie to Roxburgh, after carefully weighing the pros and cons, "*that the Union is our only game.*" This growing conviction in favour of incorporation was sedulously nurtured by Godolphin and Marlborough, as the time drew near for the meeting of the Scottish Parliament. Marlborough, engaged in the turmoil of a fierce European struggle,

* "This party pretended (?) to make the majority incline to that side they pleased."—Leven to Harley.

† *Correspondence*, p. 145; *cf.* 137, 138, 142, 146, 152, 161.

perceived the importance of union in contributing to the strength of English foreign policy. He saw in it not merely a potent factor of stability at home, but a means of tranquillity abroad. He followed the course of the controversy with mingled anxiety and hope. "Care must be taken," he wrote to Godolphin from Helchin on 9th August, "against the malice of the angry party; and, notwithstanding their malicious affectation of crying the Church may be ruined by the Union, the Union must be supported. I am very glad to find that the Commission has so unanimously agreed. I do, with all my heart, wish the Parliament of both nations may do the same, so that her majesty may have the glory of finishing this great work, for which she will not only deserve to be blessed in this, but also in future ages."* He pressed its utility on the leading Scottish politicians, especially on the members of the Squadrone. He wrote "a highly civill" letter to Johnstone, emphasising the claims of the treaty.† The duchess indited another of similar tenor to Roxburgh. The marquess of Montrose was given the post of president of the council. The office of treasurer depute was dangled before the eyes of Baillie, and promises of more substantial marks of favour held out to others. The element of party and personal advantage was by no means omitted from the calculations of Roxburgh and his colleagues; but Lockhart,‡ in assuming such reasons, as the exclusive motives of their conversion to incorporation, expressed his own vindictive disappointment, rather than a fair estimate of their conduct. The party carefully concealed their views until the first test division in Parliament, and the surprise and anger of the opponents of union did not tend to clarify or moderate their judgment of a policy, which augured the final triumph of the treaty.

* Coxe's *Marlborough*, II., pp. 176-177. *Cf.* Letter from Marlborough to Leven, 13th January, 1707. *Melville and Leven Correspondence*, II., p. 212.

† *Jerviswood Correspondence*, p. 160. ‡ *Lockhart Papers*, I., p. 159.

The meeting of Parliament, which was fixed for the 3rd October, was the object of fervent national interest.* It met, it may be said, under the eye of the nation. Patriotism brought to the capital an unprecedented number of people from every quarter of the land, who added their quota of speculation to the keen discussions of the political clubs. The coming strife on the floor of the Parliament House was foreshadowed by the interminable talk on the question of the hour, in the taverns and the fashionable drawing-rooms. Curiosity was mingled with anxiety. The theme, on which every ingenious person exercised his talents, was the terms of the treaty and its probable fate in Parliament. Outside, the High Street was enlivened for the last time by the varied uniforms of public officials and aristocratic members, passing to the semi-regal Court at Holyrood, from those tall mansions, whose stately interiors still testify to the splendour of the old Scottish capital. With the close of this Session all this picturesque display, all those national characteristics, which were rooted in memories so venerable, were to become relics of the past. It cannot be said, on taking a look into the quaint Edinburgh of two hundred years ago, resplendent, as seemed meet, with the dying glory of the autumn sun, that Scotland and its capital were insensible of the pathos, or the significance of this last act in the distinctive drama of many centuries of national history. Men speak in animated tones as they gather at the Cross, or the Tron Kirk, to catch a glimpse of the glory that is about to depart, or theorise with fierce invective on the impending fate of their country.

On the 3rd October, the commissioner proceeded in state, accompanied by a brilliant suite of officials and members, up the High Street, to open the last Session of the Scottish Parliament. Queensberry had been chosen to pilot the ship of Union through the tempestuous

* Defoe, *History*, p. 213; *cf. Lockhart Papers*, p. 160.

narrows of the Parliament House. His experience and sagacity amply justified the choice. His imperturbable calmness and courage stood the test of the most trying provocations, and fitted him to bear with bitter personal and party animosity, and overcome the threat of forcible resistance. Contemporaries were struck by the self-restraint with which he took the wild outbursts of frenzied orators, in whose eyes he was both a personal enemy and a traitor to his country. Apart from personal resentment, there was the irritation inherited from the previous Session to ruffle the work of the new one. The refusal to ratify the Acts for a triennial Parliament and for Scottish ambassadors to foreign Courts had kept the wrath of a Fletcher warm, and furnished his armoury with additional matter, should his ingenuity exhaust itself on the subject of the treaty.* It was the unique merit of the duke that, in the face of so much personal obloquy and party animosity, he succeeded in preserving the nation from bloodshed over the heated debates which convulsed it.† He shared this merit with men like Stair and Marchmont, who united an experience of state-craft, equal to his own, with a courage and skill little inferior.

The queen's letter extolled the blessings to be expected from "an entire and perfect union," exhorted the Parliament to calmness and unanimity in the consideration of so weighty a subject, and reiterated the royal determination to maintain the Presbyterian Church government. The commissioner emphasised the fair and friendly disposition manifested towards Scotland by the English commissioners, and strove to disarm Presbyterian touchiness by the assurance that he had been empowered to give the royal assent to whatever Acts might be deemed necessary for the security of the national Church. The

* *Jerviswood Correspondence*, p. 125.
† Defoe, *History*, p. 212.

chancellor followed in a similar strain. The House then agreed to the reading and printing of the articles, and adjourned for a week. At the next meeting, on the 10th, Fletcher found a congenial subject of complaint and motion in a report that the magistrates had imposed a restraint on the printers of the capital from publishing, under a penalty of five hundred marks, any book or pamphlet which had not been submitted to them. He denounced this regulation as inquisitorial, and demanded an inquiry. The duke of Hamilton seconded the motion, and the chancellor promised redress.

Two days later, the spirit of opposition declared itself, in unmistakable terms, over the motion to proceed, at the following sederunt, to the consideration of the articles. Sir Thomas Burnet urged delay, on the plea that it was necessary to adjourn Parliament in order to allow the county and burgh members an opportunity of consulting their constituents. This was a popular cry, and strong reasons were submitted in support of it. It was only just to take the sense of the electors, it was pleaded, on a question of such magnitude, which had been sprung upon the nation. Parliament ought not to deliberate, without a special mandate, on a treaty involving the destruction of the Constitution. It was contended, on the other hand, that the Union would not destroy the Constitution, and that this Parliament had three years ago been summoned by royal proclamation to legislate on the subject. Some even ventured the doctrine that, even if this had not been the case, it was within the powers of Parliament to decide such an issue, independent of electoral opinion. A hot discussion raged around these contentions; the opposition urging that, though the royal proclamation had contained mention of the Union, the question of incorporation had not been sufficiently discussed. The barons, freeholders, and burghs might, besides, reasonably expect to be consulted after so long an interval. Another pretext for delay was advanced in the proposal by Stuart of Pardovan

to hold a national fast.* The opposition eagerly welcomed a proposal which, in the absence of an election, would enable them to discredit the Union in the country. "A long jangle," in which Hamilton, Belhaven, and Fletcher took part, ensued over the theological probabilities of the case. The Government orators contended that there could be no doubt as to the Divine approval of a measure, which must bring in its train all manner of blessings, both temporal and religious. The nation might more fitly tune its harp in thanksgiving, than clothe itself in sackcloth, in prospect of peace and prosperity for all time. To their opponents the attitude of the Almighty appeared less reassuring; and Saltoun and Kilmaronock pathetically imitated the strain of Jeremiah in their zeal to discredit the theology of the Government. They were bantered with their scrupulousness for their pains, and jestingly reminded that they had begun rather late in the day to fast and pray. The irony of the situation cut both ways, however; and the fact of men bandying the most sacred of subjects, in the service of political party, was not an edifying spectacle. To set up the Almighty as a popular "spook," or claim Him as a party patron, was an equally sorry exhibition of human charlatanry. For the present it appeared that Heaven preferred the Government tactics. The project of a fast was overruled by a majority of votes, if not by Divine intervention; and the consideration of the articles put down for the next sitting on the 15th. On that day the champions of delay adopted a less ethereal expedient by disputing the accuracy of the minutes, and demanding an adjournment of a week, for the purpose of private discussion. The Government was unable to see the expediency of allowing further time for party intrigue; and both sides measured their strength on the motion to proceed forthwith to the consideration of the articles. The result was a great triumph for the friends of union.

* Hume's *Diary*, p. 173.

A majority of sixty-six * endorsed the Government policy, the new party helping to swell the figures. It was agreed that no vote should be taken on any separate article until the whole were read and considered.

The rest of October was accordingly spent in this desultory kind of discussion, as a tentative skirmish before the pitched battle, that was to ensue over the voting of each article. A Committee, consisting of three representatives of each Estate, was appointed to examine and report on the calculations of the equivalent; and two mathematical professors—Gregory, of Edinburgh, and Bowar, of Aberdeen—assigned them as assessors. To another Commission was allotted the task of inquiring into the subject of English duties, with a view of enabling the House to form an opinion of the justice of the equality of taxation, sanctioned by the treaty.

Whilst Parliament was expending a vast amount of elocution on these tedious preliminary proceedings, the capital and the country were becoming very inflammatory. The Edinburgh mob speedily gave an exhibition, not confined to patriotic oratory, of its sentiments towards the treaty. The interest of the citizens and the numerous visitors was displayed by the crowd of amateur politicians, that frequented the Parliament House, or hung about the Close outside, eager to hear and report to wider circles the deliberations of the national representatives. The various articles of the Treaty were eagerly canvassed, with the inevitable result of a crop of erroneous interpretations to excite exaggerated fears and unreasoned resentments. The first expressions of dissatisfaction were confined to the ovations rendered to the duke of Hamilton and other popular anti-unionists. His grace, though not personally fitted to play the *rôle* of demagogue, had always been singled out to receive the applause, with which the populace marked its approval of the parliamentary opposi-

* Hume's *Diary*, p. 174. *Acts of Parliament*, XI., p. 307.

tion. Since the commencement of the present Session, the crowd had indulged in a diurnal demonstration, during his progress to and from the Parliament House, while the commissioner was greeted with scowls and curses. On the 22nd October, the demonstration was more than usually noisy. The crowd followed the chair in which the duke was borne, owing to temporary lameness, down the High Street as far as the gates of the Abbey. "God bless his grace for defending the country against the Union!" was the cry that burst from a thousand throats. Whilst returning, threats of violence were uttered against traitors. Unionist members were rendered uneasy by the report of an intended rising on the morrow to seize "the honours," as the crown and sceptre were called, and convey them for security to the Castle. The people, vaunted the mob, would thus save the emblems of the national sovereignty from the machinations of those who were conspiring to remove them to the Tower of London! The Church, too, was in danger of being handed over to the abhorred Prelatists, and should be safeguarded, even if the Parliament must be "broken"! With such threats, the crowd, consisting largely of hot-headed youths, made the High Street lively, till far into the night. On the evening of the following day, the Parliament Close was crammed with these excited patriots, who jostled unpopular members, while awaiting the advent of their favourite. When the duke appeared, the street resounded with the usual sounds of cheering. To avoid fanning the threatened disturbance, he took refuge from his admirers in the duke of Athole's lodging in the Lawnmarket. Baulked of the chance of expending its fervour in cheering the duke down to the Abbey, the mob, several thousands strong, suddenly turned its attention to the house of Sir Patrick Johnstone, one of the commissioners, and ex-lord provost. Fierce shouts of "Traitor!" were followed by showers of stones, which, owing to the height of the windows, did little damage. The cry was then raised to break open the door;

and in a moment a score of rioters had mounted the stair, and were battering it with sledge hammers. The door was strong; and the shrieks of Sir Patrick's lady, who appeared at a window with a lighted candle in either hand, loudly calling for help, brought the city guards on the scene, before it could be forced. The guards forced their way through the rioters, and arrested some of the ring-leaders; but they were powerless to do more than protect the entrance to the stair. The mob then paraded the streets, with drums beating, smashing windows, and maltreating every unlucky unionist that fell in its way.* Defoe records that he himself narrowly escaped having his head broken by a stone thrown at him, while looking down on the disorderly scene in the High Street. To prevent the ports of the city from being seized, the commissioner ordered a detachment of foot guards to take possession of the Netherbow, and prevailed on the provost to permit all the available troops to enter the town and occupy the others, and guard the Parliament House. It was not till past midnight that the uproar was checked. On the following day the Privy Council met and issued a proclamation against tumults and rabbles, enjoining all subjects to retire to their homes on being summoned, and holding all deacons of craft and householders responsible for the good behaviour of their dependants. This proclamation affords evidence of the apprehensions excited by this outburst, which, though largely the work of a "parcel of rascally boys," was regarded as an alarming indication of the unpopularity of the treaty, and an unwelcome hint of the ferment with which its discussion would be accompanied. The duke of Hamilton and his adherents declined all responsibility, whilst their opponents professed to believe

* "They committed a great number of other insolences in the street, by upbraiding them as villains and rascals, who they judged were for the Union. The president of the Council, the duke of Argyle, and the two secretaries were so treated by them as they passed through the streets."—*Argyle Letters* (Leven to Godolphin), *Edinburgh Review*, p. 518.

that their speeches, if not their intrigues, had fanned the spirit of lawlessness. But the opposition mistook its importance; and, in their eagerness to point their arguments with telling facts, magnified what was, on the admission of even a Lockhart, the product of youthful effervescence, into a weighty protest against the tactics of an unpatriotic majority. Whilst they exaggerated the danger, they cavilled at the action of the commissioner and the Privy Council in calling in and stationing troops within the city, as an encroachment on the municipal privileges of the capital and a menace to Parliament. Loud complaints were made against this outrage on the Constitution, in the course of a perfervid debate on the subject. The earl of Errol added his protest against the stationing of troops around the Parliament House, as an infraction of his office as high constable. The majority, notwithstanding, approved of a motion thanking the Privy Council, and recommending a continuance of their care for the security of Parliament and the peace of the city.*

The skirmish kept up in the Parliament House over the reading of the articles, during the month of October, was the prelude to the pitched battle which began with the detailed consideration of them on the 1st November. On that day, the earl of Marchmont moved that Parliament proceed to the consideration of the articles, in order to approve them or not, and begin with the first. This was opposed by a counter-motion for delay until the English Parliament had given a decision, and the members for the shires and burghs

* The outlook at this stage appears to Leven, the commander of the Castle, very threatening. "I cannot say that the ferment doth abate, but rather the contrary. This makes me take all the precautions possible. I am glad forces are ordered to the Border and North of Ireland; for nothing discourages men more to undertake desperate courses than the hops of small opposition."—Leven to Godolphin, *Argyle Letters*, *Edinburgh Review*, p. 519. Godolphin did not share these fears. "They are the first people that ever I knew," he wrote to Queensberry, in November, "in a fixed intention of going into an open rebellion, who thought fit to make so public a declaration of it beforehand."—*Additional MSS.*, 6420.

had consulted their constituents. The presentation of several petitions from the counties of Midlothian, Linlithgow, and Perth seemed to emphasise the latter part of this contention. Some exclaimed that, if the people were denied the right of advising their representatives, they would secede from an absolute Parliament. Neither their reasonings, nor their threats shook the majority. They replied that the priority of the discussion of the treaty, by one Parliament or the other, was a matter of no moment, and that it was rather an honour than otherwise that Scotland should take the lead and virtually decide the result for both nations. The opposition then endeavoured to put off the vote on the first article, which contained the key to the whole, and raised a debate on the question whether they should not give the preference to the others. At the following sitting, on the 2nd November, it was decided to take up the first article in preference to any other. An impassioned debate followed; for the opposition felt that, if it was defeated on the question of incorporation, the whole battle was as good as lost. It was first agreed, however, that the voting of any one article was not obligatory until all were approved. The opposition complained that the first article was in direct contradiction to the Claim of Right. The Charter of Scottish Liberties was read, along with the letter of the Estates to King William. Instead of opposition to the Union, it was discovered, much to the chagrin of its antagonists, that the Estates were heartily for incorporation, and had even offered to refer any dispute that might arise between the commissioners to the arbitration of the king.

The debate was memorable for two speeches, one by Mr. Seton of Pitmedden, the other by lord Belhaven. The former, who was one of the commissioners, rose to justify his adherence to the treaty, and defend the article. He laid stress on the argument that incorporation was the only means to secure the entire goodwill of England towards Scotland. It could only be her own interest to

promote that of Scotland as one kingdom. Scotland needed both the protection and the trade privileges of a more powerful and prosperous nation, in order to retrieve her fallen commerce. Neither a regal union, nor separation could bring her these benefits. She could never hope to create a prosperous colonial trade by her own resources, seeing that she would come into collision not only with the commercial interests of England, but with those of Holland, Spain, Portugal, and France. English and Dutch competition must ruin any attempt to find a market in foreign countries for home manufactures. Scotland, it would be said, might seek the alliance of France; but what could such an alliance profit, if it involved her in enmity with England? You want a federal union? You amuse yourselves with words. Will England grant you a federal union, and, if so, what guarantee have you that your interest will not suffer by federation with a more powerful State? On the other hand, does not the history of England, France, Spain, and even Scotland itself, testify in favour of incorporation? Were not these kingdoms formed out of several States to the great benefit of each? If Scotland would profit by the teaching of history and the experience of a century of misgovernment, let her not refuse the opportunity of retrieving her misery offered by the treaty, for the mere shadowy benefits of independency and sovereignty.

Belhaven's reply was couched in the pathetic tone of a seer; and both for its pathos and its periods, was accounted the great speech of the Session. To us, it smacks too much of the mock heroic to be true eloquence. Our somewhat querulous Cato drew a melancholy picture of the future, as it appeared to his pessimistic eye. Church, nobility, barons, burghs, judges, soldiers and mariners, tradesmen and ploughmen, and Caledonia, the mother of all, appear clad in sackcloth, to curse the folly that has lost to them the proud privileges of independence, and exposed them to

the galling woes of national subordination. Some of these solemn forecasts seem to hover with amusing gyrations between the ridiculous and the sublime. His lordship is terribly shocked at the appearance of the honest tradesman, "disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage," and of "the laborious plowman, with his corn spoiling upon his hands for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse". Then comes the image of the hapless Caledonia, "like Cæsar, sitting in the midst of our Senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a '*Et tu quoque, mi fili!*'" Our Cato abounds in classic quotations. He reminds the House of the abhorrence with which the Romans regarded parricide, and the severity with which they punished it. Patricide was even a more hideous crime. Verily, the memory of their noble predecessors' valour and constancy ought to preserve their posterity from the worst of all outrages. Will not the most diffident member break a culpable silence to protest against the imminent fate of his country? Dare faction pursue its designs and ride the nation to ruin? What is Whig or Tory, he asks, to the nation's peace? Is not Hannibal come to this table, ready to seize these regalia as his *spolia opima*, and whip us out of this House, never to return hither? For the love of God let us unite to save our country. Let his grace appoint an Agape, a Love Feast for this honourable House, in order that all selfish designs may be laid aside, and the voice of the turtle be heard in the land. Our Cato so far relaxes the *rôle* of the classic patrician as to throw himself on his knees before the throne and exorcise the spirit of division. Commissioner and majority refuse to be exorcised; and our orator continues his "sad and melancholy story". The new-born zeal for incorporation in England is scouted as pure selfishness. Scotland must be browbeat into acceptance

of English terms, because she has at last asserted her sovereignty! What are these terms? Does not the English Constitution remain intact—the same two Houses of Parliament, the same taxes, the same customs, excises, trading companies, municipal laws, and courts of judicature? Is not the Scottish Constitution, on the contrary, "subject to regulations or annihilations," and the Scots, in return, awarded the honour of paying English debts, and "of having some few persons for witnesses to the validity of the deed, when they are pleased to contract more"? "Good God! what! Is this an entire surrender?" Our orator sinks down in overwhelming emotion, and begs the favour of a little time to shed a tear in silence, as the prelude to so tragic a conclusion. After a lengthy pause, filled by the discordant voices of other speakers, Belhaven perorated, arguing against the folly of agreeing to the general motion of an incorporating union without first discussing the provisions, and ending by moving that the House begin with the fourth article of the treaty.

The speaker had laid himself open to ridicule by the laboured falsetto and solemnity of his periods. The earl of Marchmont spoiled his pathos by a brief and amusing reply. He had heard a long speech, and a very terrible one; but, in his opinion, it required a short answer: "Behold, he dreamed; but, lo! when he awoke, he found it was a dream!"

The debate was continued on the 4th with increased warmth. The opposition declared against an incorporating union as impracticable, and bombarded the other side, on the score of interfering interests, taken from the armoury of Hodges' book. They refused to see the advantages of the promised colonial trade, which, they asserted, was already in the hands of exclusive companies. They thus laid themselves open to the charge of contradicting their former contentions for a share of English commercial privileges. But supposing these advantages possible, would they not be as surely secured by a federative

union? They were willing, they professed, to unite in the terms of the duke of Hamilton's resolve of the previous Sessions, and contended that the grievances of Scotland, and the interests of both nations, would be amply safeguarded by such a treaty. They offered a proposal which it was hoped would prove a satisfactory substitute for incorporation. "We are willing," so ran the resolve of the marquess of Annandale, "to enter into such an union with our neighbours of England, as shall unite us entirely, and after the most strict manner, in all their and our interests of succession, wars, alliances, and trade, reserving to us the sovereignty and independency of our crown and monarchy, and immunities of the kingdom, and the constitution and frame of the government both of Church and State, as they stand now established by our fundamental constitutions, by our Claim of Right, and by the laws following thereupon." This resolve was rejected, and the first article approved by a majority of thirty votes. The duke of Athole protested against it "as contrary to the honour, interests, fundamental laws, and constitution of this kingdom, the birthright of the peers, the rights and privileges of the barons and boroughs, and the Claim of Right". To this protest sixty-five members gave their adherence.

The sittings of the 9th and 10th were devoted to the discussion and vote of an Act securing the Presbyterian Church government of Scotland. The attitude of the Church of Scotland towards the Union was recognised by all parties as of decisive importance. It is hardly too much to say that the decision lay rather in the hands of the Church, than of the Parliament. The feeling of churchmen in general was at first distinctly hostile.* The scruples of extreme Presbyterians saw in the project of union with a nation, that owned allegiance to a Prelatic Church, a breach of the national covenant. They decried incorpora-

* *Lockhart Papers*, p. 175.

tion, as we have seen, as involving national perjury. For Presbytery even to seem to countenance the Divine right of Prelacy, far less to unite with a Parliament partly composed of bishops, was nothing less than national sin. Rabid preachers and pamphleteers of Cameronian persuasion denounced the iniquity of such a proposal, with all the fulness of the extravagant theological phraseology of the sect. They set up a howl of lamentation, worthy of the most benighted and bigoted of the Hebrew prophets. The wrath of God was portrayed in terribly uncharitable terms, as the portion of all who countenanced a movement, which was deemed equivalent to a betrayal of the Divine trust of Presbytery, or rather Cameronianism. What the effect, on the popular ear, of such effusions in prayer and sermon might have been, may be judged from the proofs which the Scots had given of their stern ecclesiastical temper during the seventeenth century. This incipient alarm was diligently fanned by the Jacobite party, for its own political ends; and the strange spectacle was presented, as the sequel will show, of Cameronian and Jacobite, the sworn antagonists of former times, joining hands in support of a determined movement of opposition. Fortunately, the bulk of the clergy succeeded in subordinating their fears to their desire to maintain neutrality, except in so far as the security of the Church was concerned.

The merit of keeping the Church out of the quicksands of political intrigue during this national crisis, belongs largely to William Carstares. Carstares was eminently fitted to lead his brethren, within the lines of a moderate policy, by the vast experience which he had gained as political adviser and secretary to King William. During the reign of the late monarch, he had largely engrossed the direction of affairs both in England and Scotland. His *rôle* as politician ended with the life of his royal friend; but he found a sphere for his administrative abilities as principal of Edinburgh University. This post he accepted in 1704, and shortly afterwards became minister

of Greyfriars. He at once assumed a leading influence in the Church, of which he became moderator four times. His was still a name to conjure with; and Seafield, Mar, Leven, Stair, and other commissioners, had turned to him for guidance in the course of the negotiations in the Cockpit. He used his commanding influence to further the unionist policy, and to secure the recognition of the Presbyterian government and creed in the Treaty of Union. His sagacity and knowledge of men and affairs were devoted to the task of controlling and guiding ecclesiastical opinion, so as to preserve the many elements of hostility from coalescing in a fatal opposition. His efforts were crowned with success. The importance of the services which he rendered to the Union in the capacity of ecclesiastical leader, was acknowledged by the tributes of its friends, as well as the bitter attacks of its opponents.*

The Commission of the General Assembly met in October, under the presidency of William Wishart, to deliberate on the action necessary to secure the interests of the Church. The commissioners had been expressly debarred from treating of the Church government of either nation. The time was now come for the Church of Scotland to formulate its demands for the guarantee of its status in the treaty. A feeling of alarm was the prevailing tone at the commencement of its deliberations. Some members contended that at so grave a crisis, they should petition the queen to summon a special assembly. On the advice of Carstares, the majority expressed the opinion that the powers of the Commission were ample enough to entitle it to act on behalf of the whole Church. It drew up and presented an address and petition to Parliament on the 17th October. The petitioners supplicated Parliament "to establish and confirm the true Protestant religion, and all our sacred and religious concerns, in the most effective

* *Carstares State Papers*, pp. 68-78, 717-764.

manner, for their unalterable security to the people of this land and all succeeding generations". They stipulated that all Acts of Parliament ratifying the Confession of Faith and the Presbyterian Church government "shall remain and continue unalterably . . . and that this provision shall be held and observed in all time coming as a fundamental article and essential condition of any treaty of union that shall be concluded betwixt the two kingdoms". In regard to the treaty itself, the Commission, for the present, adopted a judicial tone, in keeping with its non-political functions. It invoked the Divine guidance on the Legislature "in this whole great and weighty affair of the depending treaty, that the result and issue thereof may be the glory of God, the good and advantage of the people of this nation, in all things, both religious and civil, and for continuing of peace and amity in this whole island".*

To express its sense of the critical importance of the deliberations of Parliament, it recommended, on the 18th, to all Presbyteries, to set apart "a day for solemn publick prayer, fasting, and humiliation," on behalf of Church and Legislature. The large majority of the Presbyteries complied with this injunction. The event passed off without serious pulpit demonstration. The commissioner, the members of the Government, and many members of Parliament took part in the celebration in the Edinburgh Churches, and helped, by their example, to sway the country in favour of calmness and order. Those of the ministers who objected to a fast, as compromising their convictions against the Union, indulged in declamatory oratory of a fiery stamp, especially at Glasgow. Others maintained a sullen attitude; but the majority carried out the instructions of the Commission in a conciliatory spirit. Among the dissentients was Carstares' colleague at Greyfriars, who took occasion, the following Sunday, to vent his wrath in very pointed fashion against the

* *The Humble Address and Petition of the Commission of the General Assembly of the Church of Scotland.*

principal. He inveighed in his sermon not only against the Union in general, but against particular promoters of it, whom he described as traitors to their country and Church, and as blind leaders of their brethren. All eyes were directed towards Carstares, who was present. He was not disconcerted, and occupied himself in unconcernedly turning over the leaves of his Bible. It was his turn to preach in the afternoon. A huge congregation assembled to hear what was expected to be a spirited vindication of his conduct. The principal disappointed the expectation of his listeners by an act of singular magnanimity. Instead of repelling an attack, whose bad taste nothing could excuse, he proceeded to discourse with surprising calmness on the text, "Let the righteous smite me, it will not break my bones". He vindicated his irate colleague from any suspicion of want of affection towards himself, ascribed his conduct to the weakness of human nature, and professed to believe that, while they differed, both had the same high end in view.

On further consideration, and in deference to the growing uneasiness in many of the Presbyteries,* the Commission, whose debates were at times heated by anti-unionist arguments, was not satisfied with the Act of Security as brought before Parliament by the lord justice clerk on the 4th of November. A claim was set up that the Commission, as the best judge of what would secure the Church, ought to draft the Act. They would otherwise be like men led in the dark, and might be outwitted. Others argued that the Commission had outlined, in its petition, the demands which the Church stipulated as the conditions of its compliance, and might leave the decision to Parliament. The debate on this point waxed very hot, and occasioned a protest

* "Many of the Presbyterian ministers are against the Union, and acting such a part as they did in the late troubles, attempting to advise and interpose by the Commission of the Kirk in matters that belong not to them, and to raise objections to the Union from the Covenant."—*Jerviswood Correspondence*, 29th Oct., 1706

from leading elders like Marchmont, Rothes, Polwarth, and Baillie.* Strong remonstrances against thus placing the interests of the Church at the mercy of the Legislature were brought to bear on the members from outside. Yielding to these influences, as well as to their own apprehensions, a majority, in spite of the opposition of Carstares, resolved, on the 8th, to send another petition to Parliament, representing particular disadvantages against which the Church of Scotland craved security. They objected that by the operation of the Sacramental Test in England, all Scotsmen in communion with the Church of Scotland must be debarred from places of trust and benefits of the Crown, if not in Scotland, at all events throughout all other parts of the British dominions. They therefore craved that it be enacted, that no minister or member of the Church of Scotland should be required to take any oath inconsistent with his religious principles. They insisted that a clause should be inserted into the coronation oath binding the sovereign to maintain the Presbyterian doctrine, worship, discipline, and government, and that provision be made for replacing the Commission for the Plantation of Kirks and Valuation of Teinds, which the Union would annul. They finally protested that their silence as to the inclusion of Episcopal dignitaries in the United Parliament should not be construed into an abandonment of the principle "that no churchman should bear civil offices or have power in the commonwealth". From this additional petition Marchmont and others dissented, as seeming to imply a slur on the wisdom of Parliament, and an arraignment of the civil government of England. Such a representation, they contended, could not but endanger the treaty, and was unwarranted, in view of the fact that the Church would be amply guarded from encroachment by a future British Parliament. The majority, while disclaiming any desire to

* *Marchmont Papers*, III., pp. 111-308.

dictate to the Parliament of either nation, reiterated their right to make suggestions.*

The action of the Commission was a welcome handle to the opponents of the treaty in Parliament. It held out the hope that the ecclesiastical settlement would be so complicated with objections, founded on Presbyterian claims, that it would be impossible for England to accept it, and that the treaty would thus be wrecked. That the Sacramental Test of the Church of England should be embodied in the Constitution of the United Kingdom was certainly an injustice, if incorporation meant the complete renunciation of restrictive privileges on either side. But it must be remembered that, in those days of ecclesiastical prohibition, even a test founded on broad Protestant lines would have been unworkable. England might claim, in these circumstances, as the more powerful partner, the right to impose the restrictions demanded by its Church, within its own bounds and those of the Colonies. To deny this right would have made incorporation, so called, impossible. The supporters of union, therefore, resented the petition and representation as keenly as its adversaries welcomed it. In the framing of the Act of Security, only the clauses referring to the coronation oath and the freedom of Scotsmen from the obligation of the English Sacramental Test within Scotland, received recognition. The demand for a Court to replace the Commission for the Plantation of Kirks was embodied in a separate law. Otherwise the Act was conceived in the terms of the first petition. The opposition fought hard to block its progress by amendments. One of these, demanding that all former Acts in favour of the Kirk should be enumerated, was over-ruled. Another, to add a clause that all universities at present established by law in Scotland should continue for ever, was approved, after "a long jangle," in which the dukes of

* *Humble Representation and Petition of the Commission of the General Assembly of this National Church, with Reasons against it, and Reply to the Reasons.*

Hamilton and Athole made themselves conspicuous. A third, which claimed for Scotsmen the right of holding "any office, civil or military, and of receiving any grant, gift, or right from and under the sovereign in any part of Great Britain," without the obligation of taking the Sacramental Test, was rejected. They repeated the well-worn argument that this restriction was an injustice to Scotland. They contended that the communion of the Church of Scotland should entitle all Scotsmen, equally with Englishmen, to hold any official post, other qualifications being equal. Justice, at least, demanded that no Englishman should be capable of holding any office in Scotland, who did not acknowledge the Presbyterian usage. Such objections were not without force, but to admit their force would have been to wreck the treaty. Neither the Church, nor the Parliament of England would have admitted the validity of the Presbyterian test south of the border, or in the Colonies. The Scottish unionists, yielding to necessity, opposed this and other fair amendments, in spite of the loud clamour raised, without and within Parliament House, that the claims of the Church were being subordinated to the Union policy. The dissatisfaction found formal expression in the protest of lord Belhaven, "that this Act is no valid security to the Church of Scotland, as it is now established by law, in case of an incorporating union". To this protest only twenty-three members adhered, however, including the dukes of Hamilton and Athole, the earls of Home, Marischal, Wigton, Selkirk, and Kincardine, the viscounts of Stormont and Kilsyth, the lords Oliphant, Blantyre, Colvill, and Kinnaird, Fletcher of Saltoun, Colquhoun of Luss, Cochran of Kilmaronock, and others. The motion, on the other hand, received the support of the large majority of seventy-four.

This Act was subsequently embodied in the Treaty, and forms the civil charter of the Church of Scotland. Briefly recapitulated, it guaranteed to the Scottish people the Presbyterian creed, worship, discipline, and government,

"without any alteration in all succeeding generations". It required all office-bearers of the four universities, which were likewise guaranteed to Scotland for all time, to acknowledge the civil government and conform to the Presbyterian creed and worship. It absolved all Scotsmen from taking any oath or test within the kingdom of Scotland, inconsistent with their religious principles, and bound the queen's successors "in all time coming" to take an oath to inviolably maintain and preserve the government, worship, discipline, rights, and privileges of the Church. The obligation of the Act on the future Parliament of Britain was expressed in language which admitted of no possible prevarication. It was declared to be, in all time coming, a fundamental and essential condition of any treaty or union, to be concluded betwixt the two kingdoms, "without any alteration thereof, or derogation thereto in any sort for ever".*

The second article, settling the succession on the Princess Sophia of Hanover, occasioned a warm exchange of hostilities on the question of limitations. Bellicose opponents of the prerogative, under the leadership of Fletcher, fought their battles over again. The discussion brought out the fact that while the opposition had execrated the name of the princess in 1703, they were now, always excepting the Jacobite wing, ready to sanction the Hanoverian succession, with due restrictions of the prerogative, so far as its exercise concerned Scotland, rather than agree to incorporation. Belhaven seized the opportunity to object once more to the general principles of the treaty, before they had discussed on what terms they should agree to incorporate. How, he asked, could Parliament endorse a treaty ere it had considered its conditions? "If there was ever such a farce acted," he exclaimed, "if ever reason was Hudibrased, this is the time. Consult all the treaties since the beginning of the world to this day, and if you

* *Acts of Parliament*, XI., pp. 413-414.

can find any precedent, I shall yield the cause." His opponents were not to be diverted by this change of front, in the direction of yielding what they had demanded in vain during the previous three Sessions. The surrender had come too late. Even those who had been staunchest for the succession with limitations—the men of the New Party—now preferred the Union. After a great deal of time had been wasted * in the usual skirmish over the mode of proceeding to a vote, the second article was passed by fifty-eight votes.

The opposition closed its ranks on the 18th, for a determined struggle in defence of the Scottish Parliament, whose existence was threatened by the third article. They vehemently contended that it was beyond the powers of Parliament to decree its own extinction. To incorporate a fraction of the Scottish representatives with the Parliament of England, was equivalent to treason against the Constitution. It would effectively subject the nation to English domination. They perorated in pathetic terms over the dying Constitution; and one peer, who was interrupted by an order of the day, at the commencement of a grand appeal on its behalf, lamented that he was not allowed to speak a word for his "dying country". In reply to these and other objections, Mr. Seton of Pitmedden again entered the lists with a weighty speech in defence of the treaty. He argued, with great deliberation and ability, that as the Government in Scotland was not a democracy, or an aristocracy, founded, like that of Poland, on a *Pacta Conventa*, but a limited monarchy, the supreme court of Parliament was subject to no higher authority. He quoted Grotius on Scottish constitutional law, to prove his contention. Had not great constitutional changes received the sanction of Parliament without reference to the constituents? Had not that Parliament both exalted the prerogative of Charles II., and dethroned his successor?

* Hume says, "A great clamour was for a long time".—*Diary*, p. 183.

Where, he asked, are these fundamentals stipulated or recorded, which cannot be changed without the consent of every Scotsman? "I believe," he asserted, "there are no fundamentals of government in any nation, which are not alterable by its supreme power, when the circumstances require; and whoever is acquainted with history may learn that there are no peoples at present in Europe, which in different ages have not suffered variety of changes in government." That House was indeed limited by the fundamentals of liberty and property, but it alone was capable of judging of the most suitable means of securing these. To say that the Union would endanger these was to forget that the English people had always been champions of the rights of the subject, and that for an united Parliament to tamper with the rights secured to the Scottish people, must jeopardise those of the whole United Kingdom. As to the charge of surrendering the national sovereignty and independency, he asked how that could be called a surrender which was the subject of a treaty. He quoted Grotius to sustain his contention, "that the rights and privileges of two nations united, are consolidated into one by a mutual communication of them". He defended the reduction of the Scottish members in an united Parliament, on grounds of proportion of population and taxation, and again cited the great Dutch jurist to attest its fairness. Had not the cities of Greece acted on this principle? If the representatives of shires and boroughs were chosen by free election, they might surely be trusted to observe their oath, and act for the good of the country. Supported by arguments like these, the article received the approval of a large majority, though the protest of the marquess of Annandale was supported by fifty-three adherents.

The general conditions of incorporation being thus accepted, the discussion of the remaining articles was of minor importance. The aim of the opposition was still to seek every occasion of making amendments, which

would render the treaty unacceptable to England. Some of them were approved; but the danger of friction between the two Parliaments was materially lessened now that the principle of incorporation had safely run the gauntlet of Scottish parliamentary criticism. The fourth article, conferring free trade and other mutual privileges, was accepted subject to any amendment that might be made during the consideration of other articles referring to trade. The fifth, dealing with Scottish shipping, was amended so as to change the date from which Scottish vessels were to pass as British, from the time of signing the treaty by the commissioners to that of its ratification, and thus allow Scottish owners a more reasonable chance to acquire the title of full ownership. A further proposal to exempt Scottish seamen for seven years from liability to be pressed for the service of the British navy, and to limit the proportion after that period in accordance with the amount of revenue contributed by Scotland, was rejected as an opposition manœuvre to set the two Parliaments by the ears. The sixth article, which imposed equality of restrictions and customs, likewise received amendment to the extent of placing a duty on oatmeal imported into Scotland, and including it under the premiums granted, in certain circumstances, on the export of English grain. It was therefore remitted for further consideration, with the view of guarding the interests of the Scottish farmer and trader from Irish competition, to the committee for examining the calculation of the equivalent. A clause was inserted into the seventh, limiting the amount of duty to be levied on the twelve-gallon barrel of beer, Scots measure, to two shillings. This amendment effectively disposed for the present of the anti-unionist cry, that the poor man would be deprived of his twopenny ale by the imposition of the excise, charged in England on beer of higher price and better quality.

On the 19th November, the chancellor informed the House that the commissioner had been insulted by the

mob, while returning on the previous evening to the Palace. The mob, it appeared, had saluted him with the customary opprobrious cries, and followed his carriage down the High Street, gathering strength as it went. Stones were thrown at the guards, and one narrowly missed the commissioner himself. The horses taking fright, the cortège quickened its pace. The populace, thinking that the soldiers were panic-stricken, redoubled their clamour, and hurled stones and mud after them. They kept up the pursuit as far as the Palace yard, where they were stopped by the guards on duty. The outbreak was remitted to a committee for investigation. This was but an aggravated instance of the treatment which the duke had experienced since the riot of the 22nd October. Hitherto the mob had been content to express its dislike by hooting and cursing. Threatening letters conveyed intimation of the murderous designs that were entertained against his person, in the hope of shaking his resolution to persevere with the business of Parliament. Other officious correspondents warned him, in the guise of friendship, of plots to assassinate him, and professed to give the particulars. One remorseful conspirator assured * him that he was a member of a band of twenty-four young men, who had signed an agreement with their blood to murder him, at the conclusion of the first sitting of Parliament after new year's day. Some of these miscreants were to appear in Highland dress. One was to assume the garb of a beggar, and half a dozen were to habit themselves as "baxters". One of the Highlanders was to take post at the entrance to Parliament House, armed with a dirk, concealed beneath his plaid. If opportunity failed, the beggar was to approach the commissioner's coach and fire a pistol, while the "baxters" were to raise the rabble by their cries, and close the Netherbow Port, lest his grace should escape. These letters were mostly indited with the

* Letter given by Defoe, *History*, p. 669.

dastardly intention of frightening the commissioner from doing his duty. They were treated with the contempt they deserved.

Parliament, however, was startled some days later by the report of grave dangers to the peace in the shires of Lanark, Dumfries, and Kirkcudbright. On the 29th, the chancellor informed the House that tumultuary scenes had taken place, accompanied by seditious writings and speeches against the Parliament, and called on it to provide for the safety of the country. Designs were on foot, it was said, to assemble a force in the south and west to march on Edinburgh, and compel Parliament to recall its sanction of the first three articles of the treaty, as treason to the nation, and injurious to the Church. These rumours were countenanced, if not circulated, by the opposition, as tending to show the national aversion against incorporation. The capital was kept in a ferment by the exaggerated reports that poured in from all quarters of risings, or active preparations for rebellion. Now it was in Angus that the patriots were arming; now at Glasgow, Stirling, Hamilton, Lanark, Dumfries. Men already saw in imagination the fiery cross flashing from hill to hill, and the capital besieged by thousands of resolute rebels, who had sworn to avenge the treason of the Parliament. With a furious mob giving vent to its hostility by daily execrations, and the spectre of rebellion in every direction, the House did not hesitate to approve the draft of a proclamation "against all tumultuary and irregular meetings and convocations of the liedges". The proclamation specified seditious proceedings at Glasgow, Dumfries, and other places where the articles had been burned by men assembled in arms in contempt of the law and the magistrates, and declared all such liable to be punished for treason. So menacing was the temper of the people believed to be, that the clause in the Act of Security, authorising the arming and drilling of all the fencible men, was rescinded.

The news of disturbance at Glasgow, which had furnished the principal motive of this repressive legislation, turned out to be no canard, or exaggeration. It had its origin in a dispute about addressing the Parliament against the Union. The magistrates refused to follow the example set by other royal burghs, and decided not to petition. The more zealous of the anti-unionists, especially those of Jacobite persuasion, had recourse to the plan of fomenting agitations among the citizens, with a view of compelling the Council to act. The provost still continued obdurate, on the ground that Parliament, having granted the town, the previous Session, the benefit of the twopenny tax on ale, it would seem ungrateful to cast reflection on the wisdom of the majority in favour of incorporation. The ministers of Glasgow were strongly anti-unionist; and a sermon preached in the Tron Church, on the 8th November, the day after the observance of the fast in the town, inflamed the popular discontent. The sermon was a denunciation of the obnoxious measure. The perfervid orator lamented that it would bring ruin to Church and State. Something more effectual than petitions and prayers was desirable. Glasgow had never been backward in the good cause; and he called on his hearers to be "up and valiant for the city of our God".

This unfortunate peroration did not fail of effect. In the afternoon of the same day drums were beating the alarm of Kirk and State into the ears of the excitable citizens. A mob paraded some of the back streets with threatening cries. Next morning the deacons of the trades led it to the town-house. Provost Aird still declined to address, and the laird of Blackhouse reasoned with the leaders against encouraging riot. On learning the result of the interview, the populace indulged in shouting and stone-throwing, smashed the windows of the town-house, and finding that the provost had escaped, attacked and pillaged his house. The provost and the laird of Blackhouse fled from the city, but the rioters compelled the

magistrates to sign an address. Under the pressure of threats, they secured a large number of signatures from those who had no sympathy with these violent proceedings. It was carried to Edinburgh by four deputies. The patriotism of the mob being thus propitiated, the provost ventured to return.

The Jacobite element was eager, however, to take advantage of the popular ferment to organise a further anti-unionist display, which might become the nucleus of a national revolt. They found a fit leader in a dare-devil fellow named Finlay. He had formerly been a sergeant in Dumbarton's regiment in Flanders, and now subsisted on the earnings of a small change house, or tavern, kept by his mother. The immediate pretext of this projected national rising was anything but heroic. Finlay and other ringleaders made a martyr of a man, who had been sentenced to a term of imprisonment for stealing a musket, erroneously said to have been taken from the provost's house. His sympathisers condoled with their martyr through the iron grating of the Tolbooth. The magistrates, fearing their resentment, set him at liberty on a bond of presentation. Finlay appeared before the town-house the following day, at the head of an excited rabble, and demanded the bond. The provost requested the clerk to comply, and shortly after sallied unsuspectingly forth. His appearance was the signal for a disgraceful outbreak. He was pursued with stones and mud into a common stair near. Fortunately, he found shelter on the upper flat of a house, while the mob were searching for him in one below. He took refuge in a bed which folded into the wall of one of the rooms, and thus narrowly escaped being torn in pieces. Next day he succeeded in eluding the watch of his foes, and retired a second time to Edinburgh. The mob then proceeded to search all the houses of prominent unionists for arms, and to threaten their occupants with personal violence. The magistrates summoned the town militia to guard the Council chamber. They suc-

ceeded in repelling an attack, which Finlay directed against them in the evening.

Our heroic cavalier then conceived the idea of raising the standard of rebellion against the Government. The air is full of rumours of a great gathering of the armed men of the nation at Hamilton. Thither he sets out with forty-five followers to lay the wrath of the men of Glasgow on the altar of his country. This march shall gather in its train the indignation of Scotland, to the discomfiture of a traitorous Parliament, and to the glory of King James and Scotia's sovereignty. Cavalier Finlay shall be the deliverer of his people, and tens of thousands of enthusiastic patriots shall hasten at his summons to swell his ranks at Hamilton. In such grandiloquent terms our quondam sergeant commands his heroic forty-five to march. A couple of drummers head this terrible army as it files away from Glasgow Green, armed with stolen sword and musket. A dollar to each man heightens their hopes and their courage, and they continue their mock heroic tramp as far as Hamilton. But where are the tens of thousands of effervescent patriots, who, according to rumour, have been panting from every direction to the general rendezvous? Instead of the national fraternisation, of which Finlay has dreamed, his grotesque warriors are saluted with ridicule. Cavalier Finlay swears volley after volley of sergeants' oaths. He apostrophises Caledonia and King James at the same time; he casts anxious looks backwards in search of the invincible phalanx of the Glasgow mob, that is to follow in his footsteps. Where is Campbell, his trusty adjutant and fellow-rioter? Campbell, alas! has failed to keep up the adventurous enthusiasm, which, in the grandiloquent talk of the change houses, has already seen itself clearing the Parliament House. His heroes have thought better of it, and stayed at home. There is nothing for it but to steal back with his victorious host, to encounter, not the bayonets of the enemy, but the ridicule of the citizens. In his absence,

his confederates have diverted themselves by another attack on the town-house, overpowered the guard, ransacked the Tolbooth, carried off two hundred and fifty halberts, stoned the messenger who attempted to read the proclamation against tumults, burned in effigy one of the commissioners, with the articles of Union about his neck, paraded the streets, pillaged shops and private houses, and, in short, turned the city into a robbers' den. The news of the approach of a squadron of dragoons brought them to their senses, and, with as much terror as they had shown bravado, they hastened to give up their arms, and forestall a severer fate by surrender. The dragoons suddenly arrived, arrested Finlay and several of his more notorious confederates, and bore them off, tied on some spare horses, to Kilsyth. They made a return visit, and took some more prisoners. They were all lodged in the Castle of Edinburgh; but, besides being confined for some months until after the completion of the Union, escaped without further punishment.

The Commission of the Assembly interposed to preserve the people from being hurried by Jacobite intriguers, of the stamp of a Finlay, into these excesses. Carstares indited in its name circular letters to the Presbyteries, exhorting the brethren to discourage all irregularities that tended to disturb the Government. In the west and south-west this advice was not over-valued; the Presbytery of Hamilton, for example, replied that these disturbances emphasised the aversion of the people towards the Union, and pressed upon the Commission the duty of remonstrating with Parliament against a measure, so palpably obnoxious to the nation and injurious to the Church. The Cameronians were especially obdurate, and gave an illustration of their stern temper at Dumfries on the 26th November. Some hundreds of the hill farmers, on foot and on horseback, whom rumour increased to several thousands, assembled around the Market Cross, and deliberately condemned and burned the articles of Union. They gave their reasons for

this defiant action in a protest,* which they affixed to the Cross, and which might have emanated from Richard Cameron himself. It disclaimed enmity to the queen or to England, but expressed abhorrence of the treaty as "utterly destructive of the nation's independency, crown rights, and our constitute laws, both civil and sacred". The protesters refused to credit Parliament with "supreme power over the generality of this nation," or to be bound by any Acts "contrary to our fundamental laws, liberties, and privileges concerning Church and State". The paper concluded with the threat that they and their posterity would not become tributary and bond slaves to England, without acquitting themselves as became men and Christians. So intense was the Cameronian hatred of incorporation that they were willing to join hands with the Jacobites in a forcible attempt to prevent it.† Meetings were held throughout the western shires to concoct the plan of a general rising. Regiments were organised and officered to do battle for the Covenant and the national sovereignty, even in association with the former enemies of the Lord's Remnant. Cunningham of Eckatt, a former major, who had lost his post on the disbandment of the troops after the Peace of Ryswick, and harboured feelings of discontent on this account, was the soul of the movement. As a Presbyterian and an anti-unionist, he was trusted by the Cameronians, and employed by the leaders of the opposition to raise the country. He was suspected of having acted a double part, and having conjoined with his functions of military and political organiser that of a Government spy. This suspicion has no other support than the fact that on the completion of the Union he was awarded a company of foot. The plan was to raise the men of the west, march on Edinburgh under his leadership, "raise" the Parliament, as the phrase went, and declare for King James.

* *An Account of Burning the Articles of Union at Dumfries.*

† *Lockhart Papers*, p. 196.

There was much secret consultation in the capital among the leaders of the opposition. Hamilton was not so forward in his support as the more zealous of the patriots desired; but Athole undertook to bring his Highlanders to Stirling and secure the adhesion of the north, while Cunningham led his Cameronians and Jacobites against the capital. Cunningham set out on his rebellious mission to the west. He discovered, according to Lockhart, that a leading clerical dignitary among the Cameronians, Hepburn by name, had been gained by the Government to keep them informed of the movements of the conspirators. Another intriguer, Ker of Kersland, whom the Cameronians acknowledged as their secular leader, but who had been gained over by Queensberry, had been beforehand with him; and while seeming to act the part of anti-unionist on Cameronian principles, had sedulously fanned suspicion of the contemplated armed alliance with the Jacobites.* Cunningham found another influential oracle, Macmillan, ready to go to any extreme in defence of the Constitution, and through him concerted a general rising. He returned to Edinburgh to communicate the arrangement to his political associates. Everything being in readiness, he returned a second time, to despatch messengers to summon his warriors to meet at Hamilton on a given day. From seven to eight thousand men, it was reported, were ready to obey the summons, when the duke of Hamilton stepped in to put his veto on the movement. The result was that, instead of five thousand, scarcely five hundred turned up. Cunningham returned to Edinburgh, not to invade the Parliament House, but to denounce the action of the duke. The latter defended himself with the plea that such an attempt would cause needless bloodshed, in view of the fact that English troops were massed on the border, ready to strike on behalf of the authority of Parliament.

* Ker of Kersland's *Memoirs*, I., 30-39.

The nation had meanwhile had recourse to a less objectionable mode of expressing its hostility to the treaty. Ever since the opening of the Parliament, anti-unionist addresses had continued to pour in from all parts, and from representatives of every class, party, and creed. In their detestation of the articles, Whig and Tory, Presbyterian and Episcopalian, Jacobite and Cameronian, stifled their mutual political and religious rancour. The menace to the national existence, which they saw in the treaty, obliterated for the time being all lesser differences. Even the Cameronian was amenable to intrigue. The signatures thus show a medley of sentiment, coalescing, on various grounds, in the opposition to the abolition of Scottish autonomy. The motives of the Cameronians were largely religious. To incorporate with England was treason, not merely to the Constitution, but to the Solemn League. In the sectarian language of the time, it was "a hellish backsliding," "a judgment-bringing yielding to the snares of the devil". Those of the Jacobite were political; nevertheless, he aped his Cameronian fellow-countryman in lamentations over the awful fate of Zion. The religious argument thus formed a feature of these addresses. Several Presbyteries—Lanark, Dunblane, and Hamilton—protested exclusively on religious grounds. Those from the Convention of Royal Burghs, from numerous shires, single burghs, and parishes, were grounded on increased taxation, insufficient parliamentary representation, etc. The opposition struggled hard to convince Parliament that the nation was in earnest. As, sitting after sitting, the stream of protests flowed into the Parliament House, for nearly three months, it looked as if the national will was behind this contention. Where, cried the opposition, are the petitions in favour of union? One or two attempts were made to rouse the national enthusiasm in favour of the treaty; but, if we may believe Lockhart, the only place that gave birth to such a monstrosity was the town of Ayr. Such a starveling did it appear, in contrast to that on the

anti-unionist side, that it was never presented. The same partisan authority is responsible for the statement that the addresses against incorporation would have been more numerous had not the unionist magnates of Argyle, Bute, Sutherland, and other counties, laid an embargo on the liberty of their dependants. The majority of the Parliament House refused to see the national will in this documentary display, and sneered at it as a piece of Jacobite intrigue. They preserved their equanimity by the belief that the addresses were not the spontaneous expression of dissatisfaction, but a device of the opposition to strengthen their position in Parliament. My lord Argyle was so disrespectful towards this solemn array of party literature, as to suggest that it was of no more value than to serve as kites. My lord Marchmont proposed to refuse it a reading, on the ground that it was seditious. These remarks roused the ire of Sir James Foulis of Colinton, who retorted that if the addresses were not received, the petitioners might come and demand the favour for themselves.

Doubtless, a considerable percentage of the signatures came from men who were convinced that the Union was dishonourable and injurious to Scotland. But the movement was none the less a party, rather than a national, movement; and the fact has to be noted that the prejudices and fears of the people were worked on to create rebellion and aversion. Many of the petitioners signed under a misapprehension as to the real scope of the treaty, and their apprehensions could not be expected to have much weight with men, who saw in it the salvation of Scotland. There were accusations, too, that the petitions had been worked up by illegitimate means, and could not be safely interpreted as the voice of the constituencies. Lockhart refutes such charges with more warmth than literary taste; but is compelled to admit that the movement was not a spontaneous one, at least, in its origin. "I know very well that the author of the *History of Europe for the Year 1706*, and that vile monster and wretch, Daniel Defoe, and other

mercenary tools and trumpeters of rebellion, have often asserted that these addresses and other instances of the nation's aversion to the Union, proceeded from the false glosses and underhand dealings of those that opposed it in Parliament, whereby the meaner sort were imposed upon and deluded into these jealousies and measures. I shall not deny but perhaps this measure of addressing had its first original as they report; but 'tis absolutely false to say that any sinister means were used to bring on subscribers; the contrary is notoriously known, for the people flocked together to sign them, and expressed their resentment with the greatest indignation." *

These addresses failing of the expected effect, the next device was to try a demonstration of the constituencies against the treaty, in the capital itself. Athole and Fletcher were the prime movers. The barons, freeholders, and heritors, were summoned to convene in their thousands, to represent to the commissioner the hostile temper of the nation, and the necessity of an adjournment,† till her majesty should consider the advisability of calling a new Parliament. If Queensberry demurred, a national address should be presented to the queen. This address was drafted by Mr. Henry Maule, the brother of the earl of Panmure. It represented the fatal effects of the proposed measure of union. Instead of uniting, it would only serve to alienate the two nations, and, in the hands of a designing prince, might end in the subjection of Scotland. The barons and other electors accordingly began to stream into Edinburgh; but the movement was shipwrecked by a demand of the duke of Hamilton that a clause should be inserted, signifying the willingness of the petitioners to accept the Hanoverian succession. The Jacobites were not prepared for this sacrifice, which would have dashed their ulterior hopes of advancing the interest of the Pretender.

* *Papers*, I., p. 167.

† Hamilton had already suggested this to Godolphin in a letter dated 14th November.—*Marchmont Papers*, III., p. 425.

The Government, alarmed at the numbers of country gentlemen in the capital, defeated further proceedings by issuing a proclamation suppressing all such assemblies, as a menace to Parliament. The opposition entered a vain protest on behalf of the liberty of the subject, and the barons returned discontented to their homes.

These stormy demonstrations against the treaty in Parliament and country, were followed with anxious attention by its well-wishers south of the Tweed. Harley, Somers, Halifax, Marlborough, were tireless in their epistolary efforts to encourage their lieutenants in the Parliament House, and explain away the arguments of objectors. "I find our friends," wrote Somers to Leven, on the 15th November, "are all persuaded that if the friends to the Union continue firm in Scotland, it cannot fail. The management of the opposers show plainly they mean to terrify, and I hope they will be disappointed. The queen is every day more concerned the union should take place, the violence of the proceedings of those who are against it, convincing her of the evident necessity of it." He was, he continued, most anxious to meet objections, and make concessions, provided compliance would not prove a bar to the acceptance of the treaty by the English Parliament.* Harley came to the support of his sorely tried friends in Scotland with characteristic fervour, and lavish praise of their virtue and perseverance. "I need not tell your lordship," he wrote on 21st November to Leven, "the opinion that all whose opinion is valuable, have of your lordship's conduct, the true sense shown for the interest of your country, your firmness, not to be shaken by popular insults, nor influenced by those who are professed enemies to the liberty and interest of Britain. And I must confess that your lordship and the rest of you, though you have had a very hard game to play, yet it is a glorious one, and I think I can defy all histories, you have left, to show a

* *Melville and Leven Correspondence*, II., p. 206.

parallel instance of so steady virtue. Your ancient kingdom has, indeed, innumerable instances of valour, of fierceness, of the excesses of courage, and the excesses of rage; but this is an example of true, sedate, cool, determined steadiness, such as neither the whirlwind of the mob, the allurements from the other side of the water, nor the mistaken zeal and ill-informed heat of the ecclesiastics, have, though united, been able to remove from the true interest of their country, both as to religious and secular concerns." * Halifax professed to see in the opposition the desperate resort of a Jacobitism driven to despair. "The consequences of the Union will be as fatal to them as Ramillies or Turin." He was apprehensive of the inability of others "to distinguish between the certain good and the imaginary dangers they apprehend". He reassured the doubtful as to the good faith of England, and deprecated the tendency to take undue advantage of English generosity. The Parliament of Great Britain might be trusted to give all the encouragement in its power to Scottish trade. To depart from the commercial conditions agreed on, would change the proportion of the equivalent, and put them all "at sea again". He agreed with Somers in thinking that the subject of trade was such an alterable quantity that it should not be particularly embodied among the fundamentals of the Union, but left open for further legislation by the united Parliament. †

The House had meanwhile proceeded steadily with the task of debating and voting the treaty. The eighth article, concerning the salt tax, was remitted to the Committee for examining the equivalent; and the ninth, tenth, eleventh, twelfth, and thirteenth were approved without amendment. It was agreed, in reference to the right to impose, if necessary, an increase of customs and excises, arrogated to the united Parliament by the fourteenth article, to exempt Scotland from any malt tax during the con-

* *Melville and Leven Correspondence*, II., pp. 208-9.

† *Ibid.*, pp. 209-10.

tinuation of the war. Fletcher proposed that the exemption should be perpetual. This proposal, which, if carried, would have been a restraint on the freedom of future legislation, was negatived, in reliance on the clause that the Parliament of Great Britain might be trusted not to impose any burden, contrary to the good of the whole United Kingdom. The Committee at this stage reported that the calculation of the equivalent had been found correct; and the discussion of the fifteenth article dealing with the subject was entered on. The debate waxed very warm over this essential point. Fletcher moved a direct negative to the first clause, and the opposition made the most of the popular cry, "Why should we be called on to pay the debts of England?" The arguments of the unionist orators, however, secured an overwhelming majority. They showed that in any adequate union, whether incorporating or federal, free trade was an essential. Equality of customs and excises was a consequence of this essential; and since a large proportion of these customs was devoted in England to the payment of the National Debt, the Parliament would be making a bad bargain to disown the principle of an equivalent to compensate Scotland for her share of liability. Several sittings were then devoted to the consideration of a series of reports by the same Committee on the sixth and eighth articles, with a view to safeguard the trade of Scotland from foreign competition. Thus, a clause was added to retain the prohibition against the importation of victual from Ireland, as injurious to Scottish agriculture, until the united Parliament should provide other means of discouraging the Irish trade. A determined attempt was put forth to make the exemption from the salt tax perpetual, and not for a term of seven years. It was ultimately decided by a majority to claim exemption from the 2s. 4d. duty on home salt, while allowing the earlier shilling tax to stand.

The fifteenth article was then resumed, amid heated

altercations. The equivalent was denounced as the paltry price of the country. The various clauses obtained the approval of large majorities, however, on the plea that while the Scottish revenue must increase by reason of increased trade, security was afforded, by means of this principle, that the benefit should redound to Scotland. The debate included a discussion of the question of the dissolution of the African Company, which had protested against the recommendation of the commissioners, and demanded to be heard in defence of its rights. Parliament refused its claims, on the plea that it was entitled to rescind its own Act, if it could be shown that no hardship was thereby inflicted, and declared its dissolution, in return for the compensation offered out of the equivalent. The article was then approved, with some slight alterations. The sixteenth and seventeenth, recommending the adoption of the same standard of coinage and weights and measures, occasioned no dispute; but the eighteenth, referring to "public right," afforded opportunity for a renewed attack on the English Sacramental Test. The nineteenth was the subject of a dispute as to whether Writers to the Signet should be admissible for the office of Judge of Session. The privilege was allowed, subject to ten years' probation, and an examination before the Faculty of Advocates. The twentieth, confirming all heritable offices, jurisdictions, and, by an amendment, "superiorities," to their owners, sanctioned what remained of feudal vassalage to the Scottish landowners and chiefs. The rights of the royal burghs, secured by the twenty-first, obtained the approval of the House, in spite of a proposal to subject them to alterations by the British Parliament.

The twenty-second, regulating the number of the Scottish representatives in that Parliament, was marked out by the opposition for a last fierce struggle. The duke of Hamilton suggested to a meeting of his adherents the plan of making a solemn protest against the Union, on the

occasion of its discussion. He proposed that they should offer to accept the Hanoverian succession, in lieu of incorporation. He hoped, by this manœuvre, to incite the English Tories to oppose the measure in England. Should this protest and demand remain unheeded, they were to leave the House in a body, and associate no more with a traitorous Parliament. They were then to forward an address to the queen, which had been drawn up on a former occasion, and trusted, by this resolute attitude, to open the eyes of the English to the national dislike of incorporation, on the proposed terms. The project received the warm approval of the leading anti-unionists. The protest, embracing all the stock arguments against the treaty, was drafted by the lord advocate, a staunch, though hitherto silent antagonist of incorporation. Up to the day which had been arranged for this parliamentary *coup d'état*, the duke was firm in his resolve to do his duty by his country. The day came, and the Parliament Close was crowded with zealous patriots, eager to applaud the heroic secessionists. His grace, however, did not appear, and professed a violent toothache, as an excuse for not going to the House. The representations of his friends at length prevailed, and the martyr to toothache consented to sacrifice himself. His followers were anxiously expecting to see him rise to impeach the majority, and fling defiance in their faces in a last heroic speech. At the critical moment his grace demurred, and no amount of remonstrance could induce him to play the part of hero. The project of an organised secession collapsed; and the twenty-second article passed, with some ineffectual protests, on personal grounds, by the duke of Athole, and the earls of Buchan, Errol, and Marischal. The opposition could not even secure approval of the proposal that the British Parliament should meet once in three years at Edinburgh.

The duke was suspected* by the enraged patriots,

* *Marchmont Papers*, III. *Lockhart Papers*, I., p. 160.

whom he had abandoned, if not duped, of having been bought by the Government with the promise of election as one of the sixteen representative peers. He was probably actuated by prudence and that dislike of extreme methods, which had several times led him to waver at the last moment. A letter to Godolphin, written in the earlier part of the Session, shows that while he apprehended a national outbreak, he had no sympathy with violence. His hostile personal relation to Queensberry makes it unlikely that he had yielded to any offer of private advantage. But his adherents might justly complain, on this, as on other occasions, that the spirit of prudence appeared suspiciously late. He cannot escape the charge of inconsistency and fickleness, if not of treachery and cowardice, in maintaining the obligations of party. The feud between him and Athole, who, as the advocate of a more violent policy, had eclipsed him as leader of the opposition, probably helped to cool his anti-unionist ardour, now that the game was so palpably lost.

The opposition gasped out its existence in a few spasmodic and vain attempts, in defence of the unrestricted privileges of the Scottish peers, to alter the twenty-third article. The last two articles were approved on the 14th January, 1707; the twenty-fourth being amended so as to secure to Scotland, in all time coming, the possession of "the crown, sceptre, sword of state, records of Parliament, and all other records, rolls, and registers whatsomever". The crowning touch was given to this monument of legislative ingenuity, on the 16th, by the passing of two Acts,—one, which was declared to be a fundamental condition of the treaty, securing the Protestant religion and Presbyterian Church government; the other, ratifying and approving that treaty. The Commission of the Assembly interposed once more with a petition against a clause in the latter Act, including beforehand, in this ratification, the Act which might be passed by the English Parliament for the security of the

Church of England. This concession was denounced as a consent by the Parliament of Scotland to any preposterous claim that might be advanced on behalf of that Church, and was dropped in deference to the ecclesiastical clamour.

There still remained the consideration of the selection of the sixty-one members to represent Scotland in the united Parliament. A clause of the twenty-second article defined the ordinary mode of election. A claim was set up by the Government that the House should itself, on this occasion, select the Scottish members from its own ranks. The ostensible reason was that the English Parliament being transferred without election, the Scottish Parliament was entitled to the privilege of electing the Scottish representatives. The real motive was a desire to obviate the risk, in the heated state of public opinion, of encountering the electors, who would, it was feared, return a majority of anti-unionist candidates.* By retaining the selection in its own hands, the Government ensured the exclusion of all adherents of the opposition from the first British Parliament. The duke of Hamilton and Cochran of Kilmaronock ineffectually protested that this was an encroachment on the terms of the article. The motion of the earl of Marchmont, that the House elect the sixty-one members, was opposed by twenty votes. The respective proportion of representatives from the shires and burghs was agreed to be thirty and fifteen. In order to reduce the thirty-three shires in accordance with this allotment, it was resolved to conjoin, for election purposes, Bute and Caithness, Nairn and Cromarty, Kinross and Clackmannan. The burghs were divided into fourteen districts, Edinburgh being allowed a separate member.

On looking back over this last momentous Session of the Scottish Parliament, a striking feature presents itself in the substantial majorities in favour of the articles. However hostile the sentiment of the country, the Parliament

* *Jerviswood Correspondence*, p. 181; *cf. Marchmont Papers*, III., p. 318.

declared its will in no uncertain terms on the side of incorporation. The Union was, in fact, carried by the Parliament, with the assistance of the Church, against the country. The credit or discredit of this performance belongs largely to the New Party. Upon several critical occasions their vote warded off defeat from the Government. On the question of approving the first article, the respective strength of parties, exclusive of the Squadrone, was 93 for to 85 against. The Squadrone, 22 strong, voted with the Government. Had they thrown themselves into the ranks of its opponents, the article would have been rejected by a majority of 14. The third article was, in like manner, passed by their assistance, the numbers being 90, 82, 23. Had the Squadrone coalesced with the Countrymen, they would have turned the scales against the Government by 15. An analysis of the figures in the vote on the fourteenth article—84, 66, 21—reveals the fact that the Government might have been left in a minority of three, had the New Party turned against it. The figures yielded by an analysis of the vote on the twenty-second article—83, 65, 20—and of that on the final question of ratification—86, 69, 21—are equally instructive. The adhesion of the New Party once secured, victory was assured. Nevertheless, it had not been without trepidation that the Government and its supporters surveyed the prospect of events. The heat and disorder of many of the debates were very trying to the nerves of the commissioner and his friends. Hamilton, Belhaven, Fletcher, and other powerful disputants, lost no opportunity of obstruction. The violence and passion that shook the House reminded one of the stubborn temper that had carried the Act of Security, two years before. Fletcher more than once called down on himself the indignation of the majority at the fury with which he assailed the honour of the commissioners, and only saved himself by a tardy apology from being arraigned at the bar. "Much debate and wrangling, and even

scandalous disorder in the House," is the significant complaint conveyed by Murray of Philiphaugh to Godolphin. Hamilton and Saltoun anon interrupted the calling of the rolls to demand the right of speech,* amid repeated shouts of "Call the rolls". "No, no, till the members be heard speak," is the counter cry from scores of hoarse throats.

So furious was the strife of debate, both without and within the Parliament House, that not only the leaders of the opposition, but cautious unionists like Cromartie, are found exhorting the English ministers to advise a lengthy adjournment in order that the people may learn to grow calm. Even Baillie despaired at first of success. "The Union has lost ground," we find him writing to Johnstone on the 5th November, 1706,† "and is fair to be thrown out before the conclusion of the articles; for many of the Old Partie want courage, and I cannot say but some of them are in danger, and the country is stirred up against it partly by the Jacobites, partly by the Presbyterian ministers. Already there have been several addresses presented against it, and will be many more. . . . In short, I'm affrayed the nation will run into blood, whether the union or succession be settled, for the aversion is as great in many to the one as to the other." This cloud of depression passed away, as the Church gradually asserted its influence in favour of the majority; but the opposition did not relax its efforts to impede progress in the hope of prolonging the Session, and preventing the ratification of the treaty by the English Parliament, before the stipulated date, the 1st May. "The opposition," wrote Marchmont‡ to Somers, in a review of the Session, "did continue, from first to last, with great keenness and contest by the same party, and I am confident upon the same motives as I mentioned in my last letter. No topic, even those of the

* *Marchmont Papers*, III., p. 427; *cf.* Hume of Crossrig's *Diary*, p. 192.

† *Correspondence*, p. 168.

‡ January 17, 1707, *Marchmont Papers*, III., pp. 312-313.

least weight, was baulked by the opposers, whereby they could either hope to render any members of the House doubtful on any point, or jealous of bad consequences, or whereby they could waste time, which seemed to be a great design through the whole course of their opposition. I am persuaded they had conceived a hope of spending so much time here as that the Parliament of England should not have enough before May to consider and go through the affair. But, thanks to God, they are disappointed, for upon the 16th the Act of our Parliament upon the articles, with very few alterations, was passed and had the royal assent."

The English Parliament met on the 3rd December under auspices very favourable for the Union. The victory of Ramillies had added new lustre to the English arms, and had intensified the patriotic temper of the Whigs. The tone of gratulation, which greeted the queen's speech, embraced the announcement of the successful labours of the commissioners. This announcement was accompanied by an expression of hope that her majesty would ere long be able to communicate the ratification of the treaty by the Scottish Parliament. Speculation busied itself in the meantime with the views of leading English statesmen. The most improbable rumours were afloat in the atmosphere of the taverns. Johnstone caught up the gossip of the day, and wafted it northwards to his henchman, Baillie. His reports were somewhat pessimistic. Godolphin and even Harley are represented as sceptical of union. All the same, the Government is evidently in earnest, and is busy collecting troops on the border and in the north of Ireland to overcome the effervescent Scottish patriots.* By-and-by the Union is found to be in a more hopeful way.

* Marlborough, writing to Leven, on 7th December, acquaints him with the precautions taken in England to assist in the maintenance of order in Scotland. A regiment of Horse Guards is on the march to Berwick and the garrisons in the north of England and Ireland, ready to reinforce the Scottish troops. A supply of ammunition is ordered to be sent from Berwick to Edinburgh.—*Melville and Leven Correspondence*, II., 211.

Johnstone has "had fine words and a good dinner" from the duke of Marlborough, and writes in the best of spirits. The Whigs are resolved to swallow even the amendments of the Scottish Parliament to prevent the necessity of a new Session.*

On the 28th January the queen at length conveyed the good news of the ratification to both Houses. "I have directed the treaty agreed to by the commissioners of both kingdoms, and also the Act of Ratification from Scotland, to be laid before you, and I hope it will meet with your concurrence and approbation. You have now an opportunity before you of putting the last hand to a happy union of the two kingdoms, which I hope will be a lasting blessing to the whole island, a great addition to its wealth and power, and a firm security to the Protestant religion. The advantages which will accrue to us all from an union are so apparent, that I will add no more but that I shall look upon it as a particular happiness, if this great work, which has been so often attempted without success, can be brought to perfection in my reign."†

On the motion of the archbishop of Canterbury, the Lords, as a preliminary to the discussion of the articles, ordered a Bill to be brought in for the Security of the Church of England. It confirmed all previous Acts passed for the establishment of the Church, except such as had been repealed or altered, and bound the successor to the British crown to maintain the national establishment in England, Wales, Ireland, and the town of Berwick. It declared this Act to be a fundamental and essential part of the Treaty of Union, and, along with the Act securing the Scottish Church Government, to be "for ever ratified, approved, and confirmed". The debate on the articles began on the 15th February, the bishop of Salisbury being chairman of committee, and the queen present. Anti-unionists like Rochester, Nottingham, and Haver-

* *Correspondence*, pp. 177-79.

† *Parliamentary History*, VI., p. 558; Boyer, *Annals*, V., pp. 436-37.

sham had a field day in a general skirmish against the treaty. Nottingham denounced the name of Great Britain as an unconstitutional innovation, and demanded the opinion of the judges. The judges satisfied his lordship that the Constitution would be perfectly safe. Lord Haversham lifted up his voice in a similar querulous tone. He was not an anti-unionist. He was a federalist, and he took a pessimistic view of an attempt to incorporate by treaty two nations, which possessed distinct laws and interests, and antagonistic Churches. An union made up "of so many mismatched pieces" could only be maintained by force. He quoted Bacon to prove that "a unity that is pieced up by a direct admission of contraries, in the fundamental points of it, is like the toes of Nebuchadnezar's image, which were made of clay and iron". They might cleave together; they could never incorporate. Would not the admission of sixty-one Scotsmen endanger the Constitution? Let not their lordships scout this alarm. Let them rather take warning from the fate of their fellow Scottish peers, who had been so summarily deprived of their birthright, though the Scottish Constitution declared any attempt to alter it treason. Where were the safeguards, on which they could take their stand, when the contingencies of the future might as suddenly deprive them of their right? Was it not an outrage on their convictions against Presbytery to ratify the Scottish establishment, as if it had the same rights to national recognition with the Church of England? And what good could be expected of an union that seemed to be pressed on an unwilling nation, with proclamations against tumults, and the promise of immunity to those who might slay the disaffected?

These warnings went unheeded, and the first article received the approval of seventy-two, to twenty-two against. The next five were voted without a division. The ninth was opposed at the following sitting, on the 19th, on the pretext that Scotland ought not to be allowed

to escape with so small a contribution to the land-tax. Wales, it was contended, paid nearly double the amount to be levied on Scotland. Nevertheless, its share of representatives was hardly more than half. The number of representatives was no rule to go by, returned Halifax. Otherwise, Cornwall ought to be disenfranchised to the extent of four-fifths of its members, as compared with such a county as Gloucester. England, moreover, had the advantage in other parts of the treaty, and should not refuse to give as well as take. Another sweeping majority testified its recognition of the justice of this contention. On the 25th, Nottingham objected to the equivalent as an unwarrantable gift to the Scots; but the objection was silenced by the answer of Halifax, that the equivalent was merely the fair purchase by England of the Scottish revenue. Rochester objected to the twenty-second article, on the ground that the admission of elective peers would vitiate the constitution of the House of Lords. Others denounced it on High Church principles, and raised the cry of danger to Episcopacy by the accession of Presbyterian peers to their ranks. The bishop of Bath and Wells sagely compared it to "the mixing together strong liquors of a contrary nature in one and the same vessel, which would go nigh being burst asunder by their furious fermentation". In spite of the alarming prospect of the probable effects of blending Presbyterian whisky with High Church champagne, the article obtained seventy-one votes against twenty-two. Nottingham tried the effect of a peroration against the last article. He reminded the House of the remark of Sir John Maynard to King William, that, on account of his great age, he had buried all his contemporary legislators, and feared, if his majesty had not come, he might have outlived the laws themselves. "I," cried the earl, "may with as much reason exclaim, if this union do pass, that I have even outlived the laws and the constitution of England, and pray God to avert the dire consequences to be apprehended from

so unfortunate a measure." His lordship prayed in vain. On the 27th February an overwhelming majority passed the Bill approving the report of the Committee, with some insignificant protests from Rochester, Haversham, and others.*

The Commons were equally prompt in the discussion and approval of the treaty. They passed it through committee in a week, from the 4th to the 11th February, in spite of High Church criticisms of the same tenor as had found expression in the Upper House. Sir John Packington championed the Tory objectors. He complained that English public opinion had been tongue-tied by an order of Council against the public discussion of the treaty. An union, he remarked, between two unwilling nations was like marrying a woman against her consent. It had been forced through the Scottish Parliament by bribery within, and violence without doors. His principal objection was that it placed the Kirk of Scotland on a parity with the Church of England, and involved a contradiction in the will of Heaven. The Church of England being established by Divine right, and the Scots pretending that their Kirk was also *jure Divino*, he could not tell how two nations, that clashed in so essential a point, could unite. Major-General Mordaunt retorted that he knew of no other *jure Divino* than God Almighty's permission. In his opinion both Churches could claim to be established by Divine right, because God Almighty had permitted that the first should prevail in England, and the other in Scotland! Several members demurred from the precipitation with which the House inclined to conclude so momentous a measure. The reply was that the objections were immaterial. "Post haste!" "Post haste!" shouted the malcontents. "We did not ride post haste," cried Sir Thomas Littleton, "but a good easy trot;" and for his part, as long as the weather was fair, the roads good, and their

* *Parliamentary History*, VI., pp. 561-577.

horses in heart, he was of opinion, they ought to jog on, and not take up till it was night.

The weather, fortunately, continued fair, and the Commons speedily found themselves at the goal of the discussion. On the 28th February, the Bill for an Union between the Kingdoms was read a third time by a majority of 158.* It was returned from the Upper House without amendment, though with some expression of dissent on ecclesiastical and constitutional grounds; and on the 4th March, the queen intimated her assent, in a speech full of hope and thankfulness.

This commendable despatch took away the last hope which the opposition in Scotland had built upon the possibility of disagreement at Westminster. There had been no public demonstrations by the London mob, such as had enlivened the High Street of Edinburgh. There were no eager crowds to applaud the opponents of the measure, as they passed to and from St. Stephen's. There was not a single petition against the treaty. The Scottish Jacobites had counted on the Tories; and while a few persistent voices had been raised in protest in either House, the minorities against it were insignificant. The spirit of ardent enthusiasm which carried it so expeditiously is well reflected in a letter to Carstares, written on the 8th March.† "I heartily congratulate you upon the finishing stroke the Union Bill received on Thursday. That Bill has been the most darling Bill the Whigs ever had in their possession, and as mortifying, on the other side, to the Tories, who have all opposed it in both Houses, except those who are under the awe of the Court, or of the Scots nation by reason of their neighbourhood, on which account some northern Tories in the House of Commons voted for it. But there has not been one Whig that has voted against it on any question in either House. When the Act for securing the true Protestant religion and Presby-

* *Parliamentary History*, VI., pp. 560-61.

† The name of the correspondent does not appear.

terian Church government, was debated in the Committee in the House of Lords, several lords, and four bishops spoke very warmly against ratifying, approving, and confirming it, though they were not against giving the Scots a security that it should be maintained among them. But the archbishop of Canterbury said he had no scruple against ratifying, approving, and confirming it within the bounds of Scotland; that he thought the narrow notions of all Churches had been their ruin; and that he believed the Church of Scotland to be as true a Protestant Church as the Church of England, though he could not say that it was so perfect. Several of the bishops spoke in the very same strain, and all of them divided for ratifying, approving, and confirming the Church Act, except the four that spoke against it, and the bishop of Durham, who went away before the vote. The other High Church bishops were not at the House that day. I don't question but the queen's speech has given great satisfaction to all friends to the Union among you. If we have but the temper her majesty recommends in that speech, the Union will be the greatest blessing that Almighty God ever brought in His Providence to this island. Thursday night did not end without many demonstrations of joy. Nor would it have ended without more, if care had not been taken to prevent them, lest the expression of too great satisfaction might have been misconstrued by those who don't wish well to the Union in Scotland. For which reason the Bill hung longer in our Parliament than it needed to have done. I hope our having made no alterations in those that were made in Scotland, will convince the nation, that we design to make this Union as much and more, for their advantage than our own."*

On the 19th, the duke of Queensberry submitted to the Scottish Parliament the English Act of Ratification, which was read and ordered to be recorded. "Now there's

* *Carstares Papers*, pp. 759-60.

ane end of ane old song," complacently remarked Seafield, as he signed the exemplification of the Act, and returned it to the clerk. On the 25th, the duke proceeded in state from Holyrood, attended by a brilliant cavalcade of the three Estates, to adjourn the Parliament till the 22nd April. It was finally dissolved on the 28th of that month. "The public business of this Session being now over," said his grace, "it's full time to put an end to it. I am persuaded that we and our posterity will reap the benefit of the union of the two kingdoms; and I doubt not but as this Parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of the nation a grateful sense of her majesty's goodness, and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you will promote an universal desire in this kingdom, to become one in heart and affections, as we are inseparably joined in interest, with our neighbour nation."

The commissioner received in England the flattering proofs of the value of his services, which had been misconstrued or overlooked amid the heat of party contention, north of the border. His progress to London, for which he set out attended by a splendid retinue, on the 2nd April, was made the occasion of a popular ovation in all the towns *en route*. John Clerk, of Pennicuik, who accompanied him, has told the story of this triumph in his *Memoirs*.* At Berwick, Durham, Newcastle, and other cities, the magistrates, and the nobility and gentry of the neighbouring counties, vied with the inhabitants in according him a worthy reception. He was banqueted and eulogised in true English style. At Hartford he was welcomed by twenty Scottish members of Parliament, who had preceded him southwards, and awaited at Barnet by a goodly number of representatives of the Lords and Commons. From here, the procession swelled out to

* P. 67.

forty-six coaches and over a thousand horsemen. On his arrival at his London residence, he received the congratulations of the lord treasurer at the head of all the ministers; and on the evening of the same day the queen added her appreciation to that of the English people in a flattering speech.

On the 1st May the Union was inaugurated by a religious service in St. Paul's Cathedral, to which the queen, attended by a long array of high State officials, and the members of both Houses of Parliament, went in procession. The bishops and peers occupied the galleries on her majesty's right, those on the left were assigned to the members of the united Parliament. The sermon was preached by Dr. Compton, the bishop of London; and a special musical composition expressed the thanksgiving of the vast and distinguished congregation. The joy of the citizens found vent in the ringing of the church bells, in banquets, and in the illumination of the city. The rejoicings were all the heartier, inasmuch as they were accompanied by a feeling of relief from the apprehensions of an international struggle, which had strained the public feeling of England during the previous three years. Clerk remarked with satisfaction that "at no time were Scotsmen more acceptable to the English than on that day".*

* *Memoirs*, p. 69.

CHAPTER X.

THE INAUGURATION OF THE UNION (1707-1709).

WHILST the inauguration of the treaty was being celebrated, in what had now become the British capital, with every mark of public jubilation, the defeated champions of Scottish autonomy gave themselves up to melancholy reflections on the untoward fate of their country. The fiery Fletcher, whose opposition was rooted in inextinguishable rage, resolved to subject himself to expatriation, rather than continue to live under a political system which he regarded as slavery. "It is only fit for the slaves who sold it," was the bitter reply with which he silenced the expostulations of the friends, who implored him not to forsake his country. He did not carry out his threat, however. After suffering imprisonment in Stirling Castle, for his supposed share in the Jacobite intrigues of 1708, and suffering the humiliation of being carried in custody to London, he retired to Saltoun, to devote his energy to the more practical pursuit of agriculture, and to earn the merit, along with several other East Lothian gentlemen, of being among the pioneers of agricultural improvement in Scotland. More politic, if scarcely less implacable, antagonists, like Lockhart, equally professed to see in this triumph national ruin and degradation. Our baffled anti-unionist, who had exhausted in vain the resources of intrigue, party tactics, and parliamentary eloquence in defence of national integrity, exclaimed with Æneas, "*Quis talia fando temperet a lachrymis?*" He lost himself in lugubrious reflections on the contrast between the independence of the past and the slavery which had

reached their climax in this odious act of denationalisation. These reflections were embittered by the remembrance of the fact that the Scots had proved by their valour, their learning, their love of liberty, their title to the respect of Europe. Lockhart expatiates, with the fondness of one who bewails an irreparable bereavement, on the good qualities of his countrymen and the splendour of their history. England, he laments, has conquered by policy a people that never consented to bend to force. We cannot refrain a feeling of sympathy with our perfervid Jacobite, surveying from the ashes of his country the glory of former times, though we cannot admit the force of his conclusion that the memory of past generations has been outraged and the national heritage sold by their degenerate posterity. He recalls the time when Scotland played an European *rôle*, and materially helped, in alliance with France, to hold the balance of power. These were the grand days, he consolingly interjects, when "even their own historians own, fifty Englishmen would have fled before a dozen of the Scots!" Our self-conscious, yet sorrow-stricken seer arrives at the conclusion that Providence, which had championed the right of Scotland for so many centuries against Roman, Saxon, Dane, and Norman, had at last given her over to the punishment of a blind perversity. Though intestine quarrels formerly abounded, the Scots had united against the common foe; latterly, the bane of religious strife had been their ruin, and afforded scope for the selfish designs of English policy. The union of the crowns was another fatal step in the same direction. He ends by telling a story to illustrate his gloomy political philosophy. The story undoubtedly conveyed the feeling of many a patriotic Scot at this time of national pessimism. "We are told," he reminds his over-confident antagonists, "that when King James was preparing to go and take possession of his crown of England, his subjects of Scotland came to take their leave of him, and attend him part of his way thither, with all the state and magnificence imaginable;

but amongst these numerous attendants, decked up in their finest apparel, and mounted on their best horses, there appeared an old reverend gentleman of Fyfe, cloathed all over in the deepest mourning; and being asked why, while all were contending to appear most gay on such an occasion, he should be so singular, 'Why, truly,' replied he, 'there is none of you congratulates his majesty's good fortune more than I do; and here I am to perform my duty to him. I have often marched this road, and entered England in a hostile manner; and then I was as well accoutred in clothes, horses, and arms as my neighbours, and suitable to the occasion; but since I look upon this procession as Scotland's funeral solemnity, I'm come to perform my last duty to my deceased and beloved country, with a heart full of grief, and in a dress corresponding thereto.'" *

This strain, it may safely be asserted, reflected the meditations of the majority of the Scots on the completion of the Union. The abolition of their Parliament, the mutilation of their Constitution, the entire effacement of their country from the body of European nations, were regarded, by most, as a national calamity; by many, as at the best an unavoidable evil. Even those who had persuaded themselves that the change would prove an unmitigated blessing were not without their misgivings. We have found so staunch an unionist as Stair arguing in favour of a gradual absorption of the two kingdoms, in deference to the prejudices and patriotism of his countrymen. We have seen that incorporation was an English ultimatum, to which the Scottish commissioners acquiesced as a necessity. The majority, which supported them in the Scottish Parliament, similarly acted, in the conviction that union was the only alternative in the circumstances, rather than as keen partisans.† By some the surrender of an

* *Papers*, I., pp. 249-261.

† "I do believe that the generality of the members of the Parliament of Scotland had been of the same mind (against the Union) if it had consisted with reasone to delay the settlement of the succession of Scotland . . .

independent Parliament was regarded as a mere matter of political expediency. Seafield might sign the ratification of the treaty with flippant complacency. But the majority of his fellow-members, party animosities notwithstanding, made their final exit from the Parliament House with feelings, less of triumph, than of filial regret. It was impossible lightly to shake off the associations which clustered around that venerable hall, where many a stirring episode in Scottish history had been enacted. It was impossible to stifle altogether, even under the stern dictates of necessity, the reflection that a link had snapped between the present and the past, which many of the majority would have fain preserved. The sense of duty had kept them to the strife;* but many, to whom the patriotic declamations of a Belhaven had appealed in vain, were almost sorry that they had won the battle. The sequel will show that they had reason, not only on sentimental, but on practical grounds, to regret their action. In five years the singular spectacle will present itself of the men who had been the most unflinching advocates of the Union, proposing its dissolution in the House of Lords!

Meanwhile they rebut with indignation the charge that they have betrayed their country, or acted from unpatriotic motives. While no Scotsman worthy of the name could witness unmoved the last scene in the drama of several centuries of independent national history, the unionists disclaimed the insinuation or accusation of want of patriotism. They had all along insisted that their action in supporting incorporation was as much actuated by love of country, as that of their antagonists in opposing it. It was an honourable endeavour to retrieve the miseries which Scotland had so long suffered; to obviate the danger with which an open succession threatened her, both on the side

for to all thinking men it appeared evident that sooner or later the Scots behoved to come into the same succession, or expect to see their country a scene of bloodshed and confusion."—Clerk's *Memoirs*, p. 65.

* Clerk's *Memoirs*, p. 66.

of France and England. As a set-off to the patriotic regrets which their opponents so loudly professed, and to which they could not be entirely impervious, they laid stress on the advantages which they had secured for Scotland. These were not merely of a sordid character. They had not sold their national birthright merely for a mess of English pottage. By agreeing to amalgamate with England, Scotland had not lost its prestige or its influence, though it had, equally with England, renounced its separate legislative existence. On the contrary, it had in reality rescued the former and vastly increased the latter. Henceforth the two countries, merged into one mighty power, might command the balance of power in Europe, and sway the destinies of the world! Could that be called a betrayal of their country which gave to Scotsmen, equally with Englishmen, the government of a great empire, bounded by distant seas, not the narrow limits of the northern fastnesses of an insignificant island? Was it worth preserving the form of ancient independent sovereignty—the dangerous source of constant international friction, of intestine intrigues, which might end in civil war at any moment,—when the substance had long vanished, and left Scotland little more than a name in the estimation of the European nations? Instead of a puny independence and an ever-increasing depreciation of the national resources, as the result of international jealousy, the prospect was held out of sharing in the boundless development of the power of Great Britain. To that development Scotland would contribute a not inconsiderable portion, and Scotsmen would be entitled to a share of the glory equally with Englishmen. The position of Great Britain among the nations would be strengthened tenfold by the addition of the resources in energy and intellectual force of the northern kingdom. Instead of weakening the foreign relations of England by its hostility or its discontent, as hitherto, it would contribute to render her influence supreme, as between con-

tending dynasties in Europe, as well as irresistible in distant parts of the world. Such considerations might well reconcile the Scottish unionists to the surrender of a starveling independence, as well as justify their patriotism from the aspersions of Jacobite opponents.

The memory of the leading Scottish unionists has suffered from a graver charge than dearth of patriotism. Lockhart accuses the Scottish ministers of having bribed a number of influential members, whom he names, to vote for the Union. He boldly asserts that a sum of £20,000 was borrowed for this purpose from the English Treasury at the instigation of Queensberry, and with the concurrence of the queen and Godolphin. Our partisan author is not the most reliable source of information on a charge,* which he adduces with evident relish against his political opponents. At the time that he professed to discover it, the Whigs had been driven from power. The most strenuous efforts were being made to throw discredit upon an administration, not the least of whose transgressions, in the eye of the Tory high-fliers, was the passing of the Treaty of Union. Any episode that could be wrested into an accusation of maladministration, or official remissness, on the part of Marlborough, Godolphin, and their Whig subordinates, was made the most of. Suspicion was keen to raise doubts of their public integrity, and not over-charitable in its judgment of proofs. Our biassed author was evidently not a man to scruple at filling in the links in a chain of very doubtful evidence. The crime of which he accuses the leaders of a fallen party, who had been his personal antagonists in the parliamentary arena, is so atrocious, that posterity is entitled to demand the clearest proofs of guilt before crediting it.

* Burnet insinuates the charge of wholesale bribery to pass the Union. It was also asserted in the House of Commons by Sir John Packington.—*Parliamentary History*, VI., p. 560. It is found also in *A Brief View of the late Scots Ministry* (1709),—a work evidently written by some disappointed member of the New Party, and full of party prejudice.

Whatever latitude of political morality we may expect to discover in an age in which the temptation to opportunism was very great, we are not prepared to find a large body of Scottish statesmen bartering the independence of their country at the price of a few hundred pounds each. This is a crime that no political expediency can excuse, —one that, if proved, must place the Treaty of Union in the pillory of the indignation of every self-respecting Scotsman. Was Scotland bought and sold, or was she not? is a question, not merely of interest to the historical expert, but to every one with a spark of patriotism in his soul. If this was the spirit of the men who made the Union, if it be true that Scotland surrendered its ancient Constitution at the hands of a set of sordid intriguers, for a paltry sum of £20,000, as Lockhart asserts, posterity must condemn the whole transaction as a shameless travesty of justice and patriotism. The assertion has been often repeated, and even exaggerated, in recent years. It has been made to do duty as a party argument in the Irish Home Rule controversy by fervid and ignorant orators, and it forms a cardinal doctrine in the creed of the Scottish Home Rulers. Let us examine on what support it rests.

The facts adduced by Lockhart leave the impression of being twisted, by bias and resentment, into an evidence of guilt. He professes to have made the damning discovery, in the course of an investigation, by the Commission for inquiring into the Public Accounts, of which he was a member. The Report of the Commission was submitted to Parliament in the year 1712. It contains no suggestion of bribery. On the testimony of Sir David Nairn, the agent of the Scottish Government in London, the sum of £20,000 was advanced by the English Treasury, at the request of the Scottish ministers, in order to pay off certain arrears due to the servants of the Crown. This sum was paid in two instalments,—the first of £10,000 on the 17th October, 1706, the second on the 26th November, for which Sir David gave two receipts to the lord treasurer.

He knew nothing definite regarding its disposal, but remembered having heard that it was paid to the marquess of Tweeddale, and others of her majesty's servants in Scotland. This was confirmed by the earl of Glasgow, the Scottish treasurer depute at that time, who gave some details, not mentioned in the Report of the Commission, as to its distribution. He added that the sum of £12,325 was repaid to the earl of Godolphin, after the ratification of the treaty of union. The commissioners were unable to find any trace of this transaction in the Treasury accounts, and called on Godolphin to explain the anomaly. The late lord treasurer admitted that he had lent the sum in question, by command of the queen, to the Scottish Treasury, for the purpose, as he understood, of the secret service in Scotland, and that £12,000 had been repaid. He believed that payment of the remainder was waived by the queen, in deference to the representations of her Scottish ministers. In a subsequent declaration, he asserted that no part of it had been repaid to him, and disclaimed all knowledge of its particular disposal. The letters anent the transaction that passed between the queen and Godolphin, on the one hand, and the Scottish Government on the other, are not given in the Report. They have, however, been preserved by Lockhart. They afford not the slightest trace of a conspiracy to bribe the Scottish Parliament to approve the articles of union. On the contrary, the earl of Loudon writes, on behalf of the queen, on the 12th August, 1706, that in consideration of the repeated representation of her Scottish ministers "desiring payment of what is justly owing them by us," and in view of the fact that the Scottish "funds are entirely exhausted and pre-engaged for some time to come," she has ordered the sum of £20,000 to be remitted to the Scottish Treasury *in payment of the charges of the Government and the debts of the civil list.* She directs them to acknowledge the receipt by an act of Treasury, and holds them liable to refund it, "at such time as we shall demand the same".

The Scottish ministers, in their reply, reiterate their conviction that the loan is "so needful that the Government could not subsist without it," but crave permission not to make her majesty's letter public, on the ground "that the opposers will do everything in their power to obstruct the Union, and would probably make some noise, if the letter were read in the Treasury before the meeting of Parliament". In the meantime they desire that £10,000 may be remitted, part of which is to be devoted to discharge the commissioner's expenses. They oblige themselves to furnish a Treasury receipt for it, "when it may be more reasonable and convenient for her majesty's service to present it". There is no indication of any motive in the effort at concealment, more reprehensible than that of a desire to avoid anything, that might make the task of piloting a difficult measure through what promised to be a most trying Session. Shortly after, they made a second application for the payment, on the same conditions, of the other half of the loan; and undertake that "*no money to be remitted shall be employed but for the commissioner's daily allowance, the payment of the salaries of the other servants, and of a part of the debts upon the civil list, since her majesty's accession to the Crown*".*

The commissioners concluded from these facts that the £20,000 were not advanced as secret service money, or as a gift, but as a loan, on promise of repayment; and receipts accordingly given by Sir David Nairn to the lord treasurer. They were at a loss to understand the reasons for secrecy alleged by the Scottish ministers, and observed that, if the money had been applied to the purposes for which it was borrowed, they could perceive no necessity for such caution. While not presuming to pass judgment on the motives of the Scottish Government, they censured the action of the lord treasurer in remitting the money, in a manner so irregular, and animadverted on the contradiction between

* This correspondence is in the *Lockhart Papers*, I., pp. 263-266.

his evidence and that of the earl of Glasgow, as to the repayment of part of the sum. "How far these depositions and letters," they added in conclusion, "are capable of being explained into a consistency with each other, your commissioners must leave to the wisdom and determination of the House; but it is obvious that there is nowhere any pretence of a repayment of the £7675, remainder of the £20,000, nor any satisfactory account given of the £12,325 since repaid. So that no part of the money appearing to have been applied to her majesty's service, your commissioners are humbly of opinion that the whole remains to be accounted for to her majesty."*

From these data Lockhart draws up his charge of bribery. He denounces the plea of arrears of salary as a mere pretence on the part of the earl of Glasgow for "promoting his countrey's ruine and misery". The object of keeping the transaction secret was simply to put the Government in possession of a sum of money, to carry out their dastardly design of buying off the opposition to the treaty. In proof of this reckless interpretation of the motives of the Scottish ministers, he gives, on the authority of the earl of Glasgow, a list of the recipients of this hush money, and the amounts distributed to each. The duke of Queensberry is credited with the receipt of £12,325. This sum is set down as the allowance for his official expenses. It was certainly not an exorbitant charge for the representative of her majesty, who was expected to maintain a semi-regal state, during a Session that lasted fully six months. This item, at all events, which exhausted nearly two-thirds of the whole, cannot, in the face of an empty treasury, be wrested into a charge of misappropriation for the base purpose of bribery. The fact that the commissioner made application for the means of honourably maintaining his dignity, reveals, not a conspiracy to defraud the country for an execrable purpose, but the

* *Parliamentary History*, VI., pp. 1110-1116.

lamentable straits which compelled the commissioner to beg a miserable pittance to enable him to carry on its business. The sum is, nevertheless, included by Lockhart among the pitiful bribes which secured the triumph of the Union! Did the duke, then, bribe himself to support a measure which he had all along championed? To impute dishonourable motives to a man who was forced to beg, as a favour, the means to enable him decently to do his duty to his sovereign, is virtually to charge him with robbing his country to pay his country's debts. A more reckless or dishonourable piece of sophistry, involving so grave an accusation of public men, is hardly conceivable. Even Lockhart confesses that the duke, on receiving the full discharge of his expenditure as commissioner, repaid to the earl of Glasgow his share of the loan. On what ground of fairness can he talk of the disposal of that part of the loan, as if Scottish statesmen had obtained it in order to sell the Constitution of their country? Had he confined himself to mere conjecture, there might have been some excuse for his recklessness. But to make a charge of wholesale bribery, with all the authority of an expert, and then refute himself in regard to the disposal of two-thirds of it, is a disgraceful misuse of ingenuity, under the influence of party rancour.

After deducting the amount appropriated by the duke in his capacity of commissioner, there remained the sum of less than £8000 to be accounted for. According to Lockhart, it was doled out to thirty individuals, as the price of their votes in support of the Government. These gentlemen, among whom were the dukes of Montrose, Roxburgh, and Athole, the marquess of Tweeddale, the earls of Marchmont, Cromartie, Balcarras, Dunmore, Eglinton, Seafield, Glencairn, Kintore, and Findlater, Cockburn, the lord justice clerk, Major Cunningham of Eckat, and such insignificant individuals as the provosts of Ayr and Wigton, must have estimated their political value cheap indeed, when a few thousands sufficed to buy the

allegiance of the whole thirty. The independence of Scotland disposed of for less than £8000, in bribes of less, in some cases, than £50 each!! The assertion merits ridicule rather than indignation, and might have been left to the oblivion of Lockhart's pages, had not our author insisted, with such authoritative emphasis, on the charge, and conferred on it the honour of passing as history in the effusions of ignorant writers and fervid orators. Lord Banff, it would seem, was valued, in the nicest fashion, at the magnificent sum of £11 2s.! My lord, it appears, had turned Protestant the year before, and had bespoken, through the minister of Banff, the good offices of Carstares in obtaining the patronage of the Government. The Government had evidently encouraged his Protestant zeal with a few guineas, to help to defray the expense of his trip southwards, to take the oath and his seat in Parliament. For this consideration lord Banff must needs vote for the Union! Lockhart pounces upon this item as one of the evidences of the truth of his contention, without the slightest suspicion of the ridicule on his vindictive credulity, which he was inviting at the hands of posterity. Marchmont was apparently able to calculate his political value to the fraction of a shilling. He is credited with receiving £1104 15s. 7d. So scrupulous was he of his honour, that he is said to have returned fivepence in change! Athole and Tweeddale are each set down for £1000, so that the majority of the conspirators had to be content with sums varying from £100 to £200. It boots not that the list actually contained the names of several members of the Government, such as Montrose and Seafield, who might reasonably be expected to vote for their own measure, and assumed to have some claim on their salaries. It matters not that Tweeddale, Roxburgh, Marchmont, Cromartie, and Athole had but too good reason to complain of the non-payment of arrears. Lockhart has smelt corruption, and parades the whole

list as evidence of the most shameless misappropriation of public money. "Whoever will impartially reflect upon the grand affair under agitation, when this pretended payment of arrears was made, the place from whence the money came, the clandestine manner of obtaining and disposing of it, and, lastly, that all the persons (?), excepting the duke of Athole, on whom it was bestowed, did vote for and promote the Union; whoever, I say, will impartially reflect upon these particulars, must conclude that the money was designed and bestowed for bribing members of Parliament."* Whoever will impartially reflect on the transaction in the light of an empty exchequer, with accumulated arrears, and the hopelessness of obtaining money in any other way for the public service, will unhesitatingly come to a very different conclusion. In the first place, we are not bound to accept the list as authentic, coming through such a biassed medium. What, it may be asked, are we to make of the bribe to the duke of Athole, whose inveterate hatred of the measure was beyond redemption? In the second place, the reasons adduced by the Government, in requesting a loan, are entirely consistent with the honourable disposal of such a moderate sum, in paying off the accumulated obligations of years. It is notorious that the Scottish exchequer was so poor, before the passing of the Union, that the members of the Government and other officials had been for years left unpaid.† Marchmont is found complaining more than once that his salary was three years overdue.‡ Argyle laments to Godolphin that the sums expended by him in the discharge of his duty as commissioner, threaten to

* *Papers*, II., p. 270.

† Numerous claims were put forward in connection with the examination of the Public Accounts during the Session of 1704, for the discharge of arrears or byegones, among the claimants being Marchmont, lord Fountainhall, Seafield, and others. It was resolved to place the claims in the hands of the Lords of the Treasury. See Hume's *Diary*, p. 156.

‡ *Marchmont Papers*, III., p. 294; *cf.* Rose, *Defence of Patrick, Earl of Marchmont*, preface to Vol. I.

involve his estate in ruin.* Leven petitions during the last Session of the Scottish Parliament † for repayment of sums advanced by him so long before as 1689-1690. There was evidently a keen competition among the claimants for arrears; and even so influential a man as Cromartie had to wait for his salary, as secretary of state, for several years, and only secured his due by a direct appeal to Queen Anne.‡ Elphinstone is found petitioning in 1702, for the payment of his pension, in arrear since 1689.§ To another of the culprits in Lockhart's pillory, Cunningham of Eckat, the Government was indebted to the amount of £275. These are but a few instances in the crowd of creditors of an impecunious exchequer. The grievances of some of them might make them dangerous antagonists of so momentous a measure. The Government might prudently wish to appease their discontent in prospect of a stormy Session of Parliament, and of disturbance throughout the country. Their anxiety to observe secrecy is perfectly explicable in the touchy state of the popular temper towards anything that savoured of English patronage, without applying motives so execrable as Lockhart postulates. There is a great difference between their efforts, in the interest of the Union, to find money by a private loan from England to pay up arrears, and the charge of buying votes by bribery. To vote—if such was the case—in consideration of pension, rather than of principle, on

* *Argyle Letters, Edinburgh Review*, p. 514.

† *Melville and Leven Correspondence*, I., p. 240.

‡ *Cromartie Correspondence*, I., pp. 113-115; *cf.* pp. 289-312.

§ *Ibid.*, I., p. 172.

‖ Argyle is found lamenting to Godolphin during the Session of 1705, that "the not granting £10,000 or £12,000 to pay arrears of pensions, has lost the queen above twenty votes".—*Argyle Letters, Edinburgh Review*, p. 514. Another contemporary, Cunningham (*History of Great Britain*, II., p. 60, *et seq.*), while expressing doubts as to the probity of some of the unionist members, adds, "Almost all of them were heard to give their votes freely, according to their own minds". He is very severe on Lockhart, "whose design was to cast a blemish upon the noblemen in Scotland, and to stuff all his writings with lies".

such a weighty subject, might be discreditable to human nature. But the Government, in defraying a public charge from prudent considerations, were not guilty of bribery in the sense in which Lockhart will have it. That the country was sold by the Government and its majority for gold is absolutely untrue. There was, in fact, little or no gold to offer. "There is such a scarcity of money here, as never was known before," laments Roxburgh to Godolphin,* and, as we have shown, the loan could not have sufficed to meet the numerous obligations of the Government, far less to perpetrate wholesale bribery! Further, the tone of the leading unionists puts it beyond a doubt that in supporting the treaty they were actuated by considerations of its utility and its necessity. The tone of the letters of men like the duke of Devonshire, Argyle, Cromartie, Stair, Marchmont, Marlborough, Harley, Somers, Leven, Mar, and others, is one of honest conviction, which their detractors entirely ignore. Space permits of only one sample. "I hoped," writes Cromartie, "for the union of the two kingdoms; and though it hath as yet failed, I still wish it; and I doe still think that, and that only, will both redress and prevent several great evils, which threaten Brittaine; and I will, whilst I breath, wish it, and (if I can) will concur to it. I am taken with an incorporating union, and I am so, because I am old, and in long experience of slavery and now of poverty, and I wish to leave the nation free of the first, and on the road to leave the other. I see not deliverance from either without serious union." "I laboured in it for forty years," he wrote after its consummation, "through good report and ill report. I was often scorned by those who now glorie in it. I am far from repenting it; it hath in it the true nature of good; it is good in its worst view. But no sublunary thing is at first perfect. It is an infant as yet, and needs a nurse."† These words, which might be multiplied from

* March, 1704, *Addl. MSS.*, 28,055, fol. 140.

† Letters in *Correspondence*, I., p. 153; II., pp. 15-16, 36-37.

the correspondence of leading unionists of both countries, do not tend to confirm the charge of base perfidy and unscrupulous servility, so recklessly hurled against them. Yet Cromartie stands in the pillory of Lockhart's indignation, as one of the basest traitors who sold their country for gold!

On the other hand, while Lockhart's story is evidently biassed and self-contradictory, the student of the literature of the Union movement is familiar enough with the charge, and, in a few indisputably authenticated cases, the practice of bribery in the interest of Government and faction alike. During the Session of 1700-1, Queensberry tried the effect of this expedient—on a small scale, it is true—to outwit the tactics of the fierce Countrymen. The character of the conventional politician in the reigns of William and Anne is not very high, viewed from the high-principled elevation of a Fletcher. The spirit of faction, of selfish calculation between the relative advantage of allegiance to two contending dynasties, almost inevitably transformed statesmen into opportunists. The vicissitudes of fortune, of opinion, which crowd the biographies of many of the revolution statesmen, constantly remind one of the singular evolution of political thought, of party attachments, characteristic of the quarter of a century that began with the flight of King James. Intrigue for personal ends too often passed under the guise of patriotism. The century was to signalise itself by unblushing parliamentary corruption, under the auspices of Walpole and Newcastle. It would shock our sense of patriotism to find men willing to put up their consciences at the Government auction, even in regard to the disposal of their country, from considerations of place or pension; it would certainly not be something strange in the history of party, especially in the light of the eighteenth century. In the *Hooke Correspondence*, as well as in Lockhart's *Memoirs*, bribery for party purposes is accepted as a matter of course. According to the former, however, it was not all

on one side; and the Jacobites, of whom Lockhart was one of the chief, are found bitterly complaining of the want of money to purchase votes in their interest! The Electress of Hanover had not been niggardly in sending an occasional donative to help her cause among dubious adherents. One of the most frequently recurring of Hooke's most urgent representations, both at St. Germain's and Versailles, is the necessity of amply furnishing his armoury with this strongest of all arguments on behalf of the Jacobite policy. The Scots, he cries again and again, are poor, and they love money. The burgh members are especially impecunious. Louis d'ors are therefore the first requisites of success. The self-seeking servility of many of these members is the burden of one of Fletcher's sweeping denunciations of the political immorality of the age.* The duke of Hamilton, as reported in Hooke's papers, more than once makes use of the same substantial argument. According to this authority, it was one of the chief sorrows of his grace that he was unable to cope, in this field, with his great opponent, Queensberry, who had the unlimited resources of the English Government at his back. "The ex-queen," he informed Hooke, "has only to send £50,000 here, and she will gain her end."†

In the opinion of another Jacobite emissary, a small gratuity to the burgh members would unfailingly pass the Union.‡ But there is a vast difference between general statements of this kind, intended to arouse the zeal of a foreign power, and a story professing to accuse, on evidence which will not stand the test of criticism, the men who passed the Union, of self-seeking motives, and proclaim them guilty of the shameless betrayal of their country from

* *First Discourse on the Affairs of Scotland. Works*, p. 77.

† I., p. 388.

‡ "Si les Commissaires des deux nations s'accordent ensemble, l'Union passera sans difficulté dans le Parlement d'Ecosse, puisque dix ou douze mil livres sterling paieront les Commissaires des bourgs, et donneront dans le Parlement une grande supériorité aux partizans de la Cour."—Fleming's Report in *Hooke Correspondence*, II., pp. 52-53.

sordid considerations. There may have been an attempt to use arguments that appealed to a few members of low-toned principle. In an assembly of over 200 members it would not be surprising, considering the age, to find it so. But bribery on the scale on which even Lockhart is forced to confine his charge, bribery within the limits on which it might have been possible for the Government to practise it, will not explain the substantial majorities by which the Union was carried. The decision, as has been pointed out, lay with the Squadrone; and though the names of Roxburgh, Tweeddale, and Montrose appear in Lockhart's list, the full account of their views and aims left in the *Jerviswood Correspondence*—an account, be it remembered, derived from the interchange of private confidences—is certainly not calculated to stain the memory of its leaders with the crime of selling their country.* In the face of such facts, the historian, while premising that the charge of bribery rests on mere suspicion and assumption, and believing that the Union was, with some exceptions, the work of honest conviction, is amply justified in saying that there is at least as much evidence for the conclusion that members were bribed to oppose, as there is for the statement that they were bribed to support incorporation.

Although the clang of parliamentary strife over the treaty had ceased on both sides of the border, its operation was harassed from the beginning, and for many years to come, by international misunderstandings and jealousies. Despite the evident pains which commissioners and parliamentary majorities had taken to ensure its smooth working, human sagacity could not provide against the possibility of misconstruction. The aversion on the part of a large section of the Scottish people was too deeply rooted to let

* The unfavourable judgment of the leaders of the Squadrone, which appears in such contemporary authors as Clerk of Pennicuik, must, in view of the *Jerviswood Correspondence*, be accepted with reserve. Partisanship is fertile in hasty aspersions, without a careful scrutiny of motives. Cunningham (*History of Great Britain*, II., p. 60, etc.) also charges them with acting "for their private interest, under a specious pretence of the public good".

slip the smallest occasion for renewing the outcry against the injustice of England. The irreconcilable Jacobite party acted, with the keenest alertness, the *rôle* of the watchdog of Scotland's interests, and continued the policy of fanning the spirit of discontent for its own ends. The hostile trend of Scottish opinion opened a welcome door to their representations, and enhanced their influence. Even in the most favourable circumstances, such a momentous change in a nation's history could not fail to produce soreness, during the process of transition from the old order to the new. How much more, in a case in which national susceptibilities, irritated by the memory of a century of international friction, were ready to cry treachery and injustice at the slightest provocation! The most prudent and considerate treatment was required to reconcile Scotland to the terms of the partnership, which its Parliament had accepted on its behalf. The grievance of increased taxation, which made itself felt immediately, was not counterbalanced by free trade, whose practical benefits were still a matter of dispute, and, at best, of expectation. The treaty had not been in operation more than a few weeks, when the two nations were engaged in a furious quarrel, over contradictory interpretations of the article that guaranteed the mutual communication of commercial privileges. The grievances, of which the Scots complained on this score, did not arise from any desire on the part of England to resile from the principle of free trade. The controversy was limited to the bearing of the article on goods imported into Scotland before the Union. It originated in the clamour of the London merchants that the Scots were taking illegal advantage of the treaty, to the detriment of the revenue and the English trade. Its importance lies in the fact that it gave rise to the cry that the English were seeking to tamper with the treaty in an arbitrary manner, and, along with other encroachments, worked into the hands of the Jacobites in a determined attempt to break it.

The Scottish merchants saw their opportunity of reaping a golden harvest as soon as the Union should come in force. The duties on imported goods were smaller in Scotland than in England. They, therefore, took advantage of the interval between the conclusion of the treaty and the 1st of May, when free trade would open to them the ports of England, to obtain large consignments from France and Holland, with the object of selling them in England at large profits. The farmers of the Scottish customs encouraged the speculation by diminishing the tariff at Scottish ports, for the purpose of enriching themselves by the large quantities of goods which would thus pass through their hands. English importers were not slow to see the advantage of a participation in this traffic, and freighted a number of vessels in France and Holland for Scottish ports, in the hope of subsequently selling their cargoes duty free at London or Newcastle. In this way, large quantities of French wines and brandy, salt, linseed, iron, timber, etc., destined for English markets, were landed at Scottish ports during the winter of 1707. The English importers adopted another expedient, still more objectionable, from the standpoint of fair trade. They took advantage of the regulation which virtually exempted foreign goods, imported into England, and again exported, from the greater part of the duty. Five thousand hogsheads of tobacco, at the lowest computation, were thus sent across the border, to be brought back and sold to the English consumer, free of duty, after the 1st May. Goods thus exported could not be re-landed; but the exporter hoped to screen himself from the infraction of his oath with the plea that the Union nullified the law, as far as it referred to Scotland. The profits of the speculation will be apparent from the fact that, whereas the duty on tobacco imported into England from abroad was sixpence per pound, a drawback of fivepence was allowed for re-exportation.

These phenomenally active efforts to supply Scotland with tobacco and French wines and brandy did not escape

the observation of the London merchants, whose trade was largely confined to Portugal, Spain, and the Mediterranean. Hence the clamour against this outrage on fair trade. They petitioned the House of Commons to interfere. The Commons were met with the argument that it was beyond the powers of the English Parliament to deal separately with a question that concerned both kingdoms. In spite of this objection, they resolved, in the beginning of April, that importations of goods from France, or other foreign countries, into Scotland, in order to be brought into England, with intent to avoid payment of duties, was ruinous to English fair traders, and to the English revenue and manufactures. They passed a bill to inhibit this mischievous traffic. It was rejected by the Lords, in deference to the outcry in Scotland, where the action of the Commons was denounced as an arbitrary tampering with the treaty of Union. No goods, it was contended, could legally be debarred entrance from Scotland into England, which were not contraband by Scottish law before the operation of the Union. To this the Commons replied that the bill was not intended to restrict the entrance of the *bonâ-fide* property of Scottish merchants, after the Union; but of goods passed by Dutch, French, English, and Jewish traders, under false pretences. In order to give time for the consideration of some expedient to allay the ferment, the queen prorogued the English Parliament for three days. The commercial interest was strongly represented in the House of Commons; and the London merchants exerted all their influence to fan the alarm, by exaggerating the vast quantities of goods with which the Scots would overrun the English markets. The bill was again passed, containing an additional clause, on the motion of Harley,* requiring the Scottish merchants to

* Burnet, p. 804. The divergence of view on this subject between Harley and Godolphin was the commencement of the estrangement, which finally resulted in the dismissal of Harley from his post of secretary.—Cunningham, *History of Great Britain*, II., p. 70.

prove ownership of the goods sent to England, and defining the Scottish trader to be such as resided in Scotland. English and Dutch speculators were thus excluded from the right of plundering the British revenue and underselling the English merchant. The Lords again proved intractable, on the ground that the English Parliament had no power singly "to determine, construe, or explain" any of the articles of the treaty, made by the concurrence of both Parliaments. The work of importation accordingly proceeded, and in June a fleet of forty vessels arrived in the Thames from Scotland, laden chiefly with French wines and brandy. The Board of Customs refused to allow the cargoes to be landed. It ordered the vessels to be seized, and their crews treated as smugglers. It contended that the goods did not fairly come under the privileges of the new regulations, and could not be allowed to pass without special instructions. Moreover, the greater part of the cargoes, consisting of articles of French produce, came under the restriction which prohibited trade with that country during the war.

The news of this reverse aroused the greatest wrath in Scotland. The customs authorities had performed their repressive functions in a manner particularly overbearing and offensive.* The calculation of large profits bade fair to end in ruinous loss. The exasperated merchants of Leith, Dundee, and other ports, complained to the Convention of Royal Burghs. That the English merchants and the English taxpayer had good reason to resent the loss to English commerce and the English revenue, by a conspiracy of Scottish and foreign speculators, was conveniently ignored. They plausibly contended that the customs authorities, in presuming to interpret any article of the Union to the disadvantage of Scotland, had overstretched their powers. The patriotic orators of the Convention gave utterance to their indignation with all the

* Burnet says the seizures were made "with a particular affectation of roughness".—P. 815.

soreness of men, who are in danger of seeing their hopes of gain unexpectedly evaporate in delusion. An union that gave scope for the interference of petty English officials, on pretexts of their own fabrication, was simply a blind to hide the baseness of English selfishness. The Convention petitioned the Government for redress. The Government, in the hope of finding a soothing solution of the problem, referred it to the attorney-general and the judges. They failed to agree upon a decision; and the matter was relegated to the wisdom of the British Parliament. In the meantime, the Government relaxed the embargo of the customs authorities, so far as to give permission for the landing of the cargoes, on the owner giving security to submit to the judgment of Parliament. Some took advantage of this condition; others demanded better terms. The clamour in Scotland did not abate. The protests and petitions that rained upon the Government reminded of the Annandale controversy. The credit of the Union was at zero. If the exasperation at the loss of the expected returns made the Scots vituperative, the irritation at the depressed state of trade made the Englishmen especially defiant and uncompromising. It was an unlucky time for the Scots to intrude into the sacred precincts of English commercial privileges. The war had disorganised the English maritime trade, and loud complaints* were made of the want of cruisers to protect English merchantmen. The Government was equally embarrassed by the flood of protests from Scotland, and the recriminations of the London merchants. Further delay threatened to damage the cargoes of the confiscated vessels. At last an expedient was found in a writ of Devenirunt, by which rebate of duty was granted, subject to recovery from the owners, if Parliament so decreed. Ultimately, all proceedings were stayed at the instance of the House of Commons; but the episode had served to

* *Parliamentary History*, VI., p. 598.

excite a rankling soreness on both sides, which seemed an unfortunate presage for the smooth working of the Union. The time gained saved the English market, however, from the glut of foreign goods, which would have resulted from the unrestrained ingress of Scottish vessels into the port of London.

The Scottish malcontents, in search of arguments wherewith to discredit the Union, professed to find another grievance in the delay that attended the payment of the equivalent. Malicious reflections were made on the honour of the English Government. See, cried the Jacobite intriguers, how you have been duped into selling your country by the false promise of English gold! Some fervid patriots assembled at the Cross of Edinburgh to proclaim that, the equivalent not having been paid on the 1st May, the Union was dissolved. They forgot that the English Government had not obliged itself to make payment by a certain date. When, after the lapse of four months, the money was forwarded in twelve waggons, guarded by a detachment of Scots dragoons,* the Edinburgh mob greeted the convoy on its way up the High Street to the Castle with angry cries of "Judas money". It was found that only £100,000 had been sent in bullion, and the remainder in exchequer bills. This gave rise to a further outcry against the good faith of England, on the ridiculous pretext that such paper money was valueless. The Government proclaimed its willingness to discharge all claims in gold, if the value of the bills was impugned. The example of some of the large shareholders of the African Company, who readily accepted bills on the credit of the Bank of England, restored the public confidence.† The commissioners, to whom the distribution was committed, were accused of diverting the money from the ends for which it was given.‡ Large sums were, it seems,

* *Melville and Leven Correspondence*, II., 213.

† Clerk's *Memoirs*, p. 69.

‡ Burnet, p. 803.

squandered in extravagant allowances to the Commissioners of Union, as well as to those who had served on the Commission of 1702; and nearly twenty years elapsed before any portion of it was applied to the encouragement of fisheries and manufactures.

Another source of irritation arising from the operation of the Union was the organisation of the new Commissions of customs and excise. The Scottish revenues had hitherto been "tacked" or let to farmers, whose *régime* had not been very onerous. The Scottish farmer general was a very lenient official, compared with his French *confrère*, whose exactions occasioned so much misery to the people of France. It was customary to compound the amount of duty leviable, on the principle of increasing the circulation of commodities, and consequently the gain of the lessees of the revenue. The change of *régime*, under the Union, made itself disagreeably felt, by introducing the strictness of English bureaucracy. The restiveness of the Scots was enhanced by the fact that the Commissions appointed to manage the collection of the revenue, on the English model, were, for the most part, composed of Englishmen. The anti-unionist patriots made no allowance for the necessity of committing the initiation of the Scots into the mysteries of the English revenue system, to the supervision of English officials. The cry of an English invasion was forthwith set up. The whole secret of the Union, it was wrathfully said, was to provide a number of necessitous Englishmen with fat posts out of the money of the Scottish taxpayer. Scotland was made the hunting ground of "the scum and canaille" * of England! The story was told of a Scottish pedlar following his vocation in England, who, on expressing his apprehensions of being robbed by highwaymen, was informed, by the hostess of a wayside inn, that there was no ground for fear. "How?" inquired he. "Why, truly," replied his informant, "they are all gone to your country to get places." †

* *Lockhart Papers*, I., p. 223. † *Ibid.*, p. 224.

Nor did the English official, by his exacting and somewhat pedantic attitude, concern himself to make the invasion palatable to an irate people, who resented his scrupulous and new-fangled officialism, both on personal and patriotic grounds. The Scottish brewers regarded as an injustice the English method of gauging, and quarrelled with the excise officers over the equivalent, in Scottish measurement, of the thirty-four gallon English barrel. The Scottish traders grumbled at the increase of duty, which was the first result of free trade, while the benefits of enlarged commerce made themselves felt but very gradually. This increase of duty on French and Dutch goods led to the evasion of the new tariff. When the customs officers interfered, they were driven off by the mob. The increase of smuggling was the result of the defiant state of public feeling. A number of Dutch vessels, arriving during the summer of 1707, succeeded in surreptitiously landing a portion of their cargoes in defiance of the impotent officials. It was only after the appointment of soldiers to protect them, that the customs officers were able to do their duty with immunity from violence. To put down this undisguised smuggling, which flourished in the numerous creeks of the Forth and Clyde, where large quantities of goods were landed in boats, at a given signal, from some newly arrived vessel, riding surveyors were appointed to watch the coasts. Several cruisers were subsequently fitted out to enable the officers to board any suspicious vessel, and prevent a portion of her cargo being taken off before her arrival in port. The evil, though checked, continued, in spite of the fact that it was the interest of the merchant to discourage the introduction of contraband goods, as injurious to fair trade. The temptation to evasion was too strong in the circumstances of the country, burdened with the English duties, at a time when its depressed condition could not well bear the strain. The vast disparity between the two countries in wealth made the institutions of free trade, coupled with

the drawback of equal burdens, as yet a hardship to the poorer country, and tended to commend the smuggler to popular approbation. The customs authorities were placed under a further disadvantage in not being able to appeal, for the award of justice, to a system of local courts, such as was furnished by the English system of justices of the peace. The Scottish aristocracy possessed ample hereditary powers; but their jurisdiction was not always co-extensive with the districts where smuggling was most successfully carried on. The inconvenience of this mode of maintaining the law led to the issue of commissions of the peace by the Scots Privy Council. As they were instituted in accordance with Scottish law, they proved irksome and unworkable to the English officials. The establishment of the English system, at their instigation, quickened the national sense of injustice, under what was deemed an innovation, contrary to the terms of the Union.*

The bill embodying the resolution of the Commons, "that the powers of justices of the peace be the same throughout the whole United Kingdom," contained another, "that there be but one Privy Council in Great Britain".† It formed the subject of hot debate in the House of Lords on the 23rd February, 1708. The resolution to abolish the Scottish Privy Council could not be interpreted by the most susceptible Scot as an infraction of the treaty. The nineteenth article made the continuance of the Council dependent on the will of the British Parliament; but a number of the Scottish members of both Houses opposed its abolition on grounds of policy. They were supported for the same reasons by the Government. Queensberry and his followers saw in the Privy Council a powerful means of maintaining their influence on the government of Scotland. They hoped through it to control the elections. The

* See Defoe, *History of the Union*, pp. 567-605, for an account of these quarrels over the inauguration of the Union settlement.

† *Parliamentary History*, VI., p. 603; *cf.* pp. 666-668; Burnet, *History*, p. 823.

ministers perceived the advantage of this control to themselves, and secretly based their opposition on this fact. The ostensible pretext was that the maintenance of a national administrative body, like the Privy Council, was absolutely necessary, in the disaffected condition of Scotland, to overawe the Highlanders and the great Jacobite families. A Privy Council sitting in London, they argued, could not do this so effectively. The supporters of the bill maintained, on the other hand, that it would be as easy to preserve order in Scotland as it was in Wales or Cornwall, which were both almost as remotely situated from the centre of administration. The Government, observing the strength of their antagonists, attempted to gain their point, as far as the coming elections were concerned, by a manœuvre. They offered to accept the bill, but stipulated that the suppression of the Scottish Council should be postponed from the 1st May to the 1st October. The majority saw through the device, and refused to yield. Godolphin then took refuge in the argument that the powers to be conferred on the justices, in lieu of those wielded by the Privy Council, would encroach on the hereditary jurisdictions, reserved to their owners by the twentieth article of the treaty. In these hereditary sheriffs and stewards was invested the right of trying criminals, in the first instance, within an interval of fourteen days. The supporters of the bill met this objection by reminding the Government that it was usual for the Scottish Privy Council to take immediate cognisance of serious disturbances of the peace, without regard to this right. The justices might be trusted to show every possible consideration towards private rights. It seemed to the majority absurd that there should be a different administration of public justice in Scotland, while there was a single Legislature for the two countries. How, they asked, could the rectification of abuses be guaranteed to the Scottish people, who possessed so limited a representation in Parliament, if such an independent organisation

were allowed to retain powers, which might with impunity be employed in establishing a petty tyranny? Had not the Scottish Privy Council maintained a too successful struggle against popular liberty since the accession of James I.? Had it not been guilty of an excess of cruelty during the period of persecution between the Restoration and the Revolution? The abuse of its powers, in support of an arbitrary *régime*, had, in fact, been one of the main arguments in favour of the union of the two kingdoms. "Blessed be God," exclaims a scribe of the day, "the Parliament of Great Britain has delivered us from this yoke, though our late courtiers would willingly have had it wreathed harder about our necks than ever." *

The Government challenged the force of this reasoning by a division. They were defeated by a majority of five. The Scots rejoiced at their defeat. The institution of the system of justices of the peace was less popular. Religious prejudice was mortified to find, in the commissions of the justices of each county, a pompous reference to "the most reverend father in Christ and our faithful counsellor, Thomas, archbishop of Canterbury". The document was none the less palatable that it contrasted, in its profusion of unintelligible and unwieldy technicalities, with the simplicity of the old commissions issued by the Scottish Privy Council.

The Government programme presented, in the royal speech, to the newly elected Parliament, that met on the 18th November, 1708, contained a lengthy paragraph on the necessity of further legislation "to make the laws of both parts of Great Britain agree, as near as may be, for the common interest of both peoples".† Both Houses, in their addresses, expressed their anxiety to strengthen the friendly relations of the two kingdoms. Their first care was to vindicate the rights of the Scottish electors from

* *A Brief View of the late Scots Ministry*.—Somers' *Tracts*, XII., p. 624.

† *Parliamentary History*, VI., p. 753.

the interference of the Scottish peers. For once the Commons found themselves in complete unison with Scottish public opinion, in bringing in a Bill to incapacitate the eldest sons of Scottish peers from sitting in Parliament. At the recent election, lord Haddo, son of the earl of Aberdeen, had been returned for that county, and lord Johnston, son of the marquess of Annandale, for the shire of Linlithgow. Their claim to vote in a British Parliament was challenged as an infringement of the Act, passed by the Scottish Estates, and ratified by the treaty, which restricted the privilege of election to "such as were capable to be elected as commissioners for shires or burghs to the Parliament of Scotland". The eldest sons of peers were incapacitated by the Scottish constitution from election, and several instances of their exclusion from Parliament were adduced. In 1689 the claim of lord Tarbat to be the lawfully elected member for a northern county had been rejected, as a contravention of the rights of the Commons. On the same ground lord Livingston had been disqualified as member for Linlithgow. The Scottish members did not argue the question from the standpoint of constitutional law alone. Mr. Dougal Stewart pointed out the menace which the admission of this unconstitutional claim would prove to the liberty of elections in Scotland. The vast influence of the peers, their jurisdiction in civil as well as criminal affairs, the temptation to use their powers, by means of bribes or threats, in the service of their political predilections, would expose the country to the abuses of tyranny and corruption. If the Scottish Parliament, in which Peers and Commons deliberated together, found it necessary, in the interest of freedom, to guard the rights of constituencies from undue aristocratic influence, how much more did this limitation concern the interests of the British House of Commons, whose will was exposed to the restriction of a separate House of Peers! The admission of such a claim would inevitably tend to enhance the influence of the Lords, to the detri-

ment of free legislation by the Commons. It was thus, he argued, the interest of the House of Commons to protect the rights of the Scottish electors. The English sense of fairness, quickened by the traditional jealousy between the two Houses, secured a vast majority in favour of these petitions, and new elections were ordered for the counties of Aberdeen and Linlithgow.*

This discussion was simultaneous with another in the House of Lords over the rights of Scottish elective peers. It arose out of the claim of the duke of Queensberry to retain his right to vote in the election of peers for Scotland. He had been nominated a peer of Great Britain by the title of duke of Dover, and was entitled to take his seat in the House of Lords in virtue of his new dignity. It was urged that he had, therefore, no right to take part in the election of Scottish peers. The possession by any single member of a hereditary seat in the House, and of the right to vote for representative members for Scotland, was, it was contended, an excess of privilege. It was argued, on the other hand, that there were peers of England who were likewise peers of Scotland, and might vote in the election of Scottish members. The majority refused to allow this application of the argument, and decided against the claim of the duke.†

The contentious proceedings in the Court of Session, during the trials for sedition consequent on the attempt to "break" the Union, with the assistance of a French expedition, in the spring of this year, suggested the reform of the Scottish laws of treason. The dispute had arisen between the lord advocate and the judges, relative to some flaws in the prosecution. The Scottish laws required that the names of the witnesses should be communicated to the accused fifteen days before the trial. This condition had been over-

* Lockhart adds that the master of Ross and lord Strathnaver were expelled on the same ground.—*Papers*, I., p. 298. For discussion of the question see Somers' *Tracts*, XII., pp. 610-617.

† *Parliamentary History*, VI., p. 759. Burnet's *History*, p. 835.

looked. The judges refused to accept the testimony of the principal witnesses, and acquitted the prisoners, with a verdict of "not proven". Both sides laid their complaints and justifications before the queen. The House of Commons, on the pretext that the Scottish law of treason was not sufficiently definite, brought in a bill to make the law identical in both countries. The bill encountered so fierce an opposition from the Scottish members, that it was dropped in committee. The Lords showed more perseverance. A determined struggle was maintained by the Scots in defence of the legal constitution of their country. The bill consisted of three heads. It enacted that all crimes accounted high treason in England should be held to constitute high treason in Scotland, that the English mode of procedure should be extended to Scotland, and that the same penalties should be inflicted in both countries.

The Scottish peers objected to the first clause, that the English law of treason would be an unfair and unwarrantable innovation, as it was unknown alike to judges, counsel, and accused. The clause was an infringement of the stipulation of the treaty, by which the laws of Scotland were to be maintained intact. They claimed superiority for the Scottish law over that of England, and insisted that the change might, with advantage, be made in the opposite direction. They moved that an enumeration of the English laws of high treason should at least be inserted in the Act, for the information of the Scottish people. The supporters of the measure replied that an abstract of these laws would be published, in order to supply this defect. They added that a set of laws, so definite as those of England, were preferable to the treason laws of Scotland, which had been proved to be liable to contradictory interpretations, and might easily be wrested to serve the private ends of a corrupt judge.

The Scottish peers fought even more stubbornly in defence of their own mode of trial. They insisted that the

stipulation, requiring the names of the witnesses to be submitted to the accused a fortnight before trial, was a necessary safeguard of justice. The same might be said for the practice of taking the depositions of witnesses in writing, and placing them in the hands of the jury, as part of the evidence. It was but reasonable that a man should know beforehand by whom he was accused, in order to be able to test his probity, by an examination of his life and motives. On the other hand, returned their opponents, this concession was equivalent to setting a premium on corruption by affording the accused an opportunity to bribe the witness, or suborn others to impugn his evidence. The same objection might be urged against the policy of silence, was the reply, since it might easily cover the intrigues of interested persons against an innocent man, on whose estates they had set a covetous eye.

The third clause incurred the objections that the penalties attached to the English law were too severe, and that confiscation would interfere with the entail upon the estates of many Scottish families, and consequently with the law of private right, secured by the treaty of Union. Burnet inveighed against the English penalty of forfeiture on humanitarian grounds, classing it among the abuses invented by the tyranny of imperial Rome. No free Government ought to tolerate such a cruel infringement of the rights of innocent children. Bologna, he contended, had flourished to a degree beyond that of any other Italian city, because it had stipulated with its suzerain, the Pope, that confiscation should not be the punishment of any crime whatever. In Holland this penalty was redeemable for the small sum of 100 guilders. English jurists might take a lesson in juridical wisdom from the Dutch jurists. The reasonableness of these remarks was admitted, but the pressing danger of treasonable intrigue demanded exemplary treatment. The utmost concession that could be obtained was a clause by which marriage settlements might be made in Scotland as in

England. The use of torture was prohibited. Commissions of Oyer and Terminer were granted for Scotland, as an adjunct of the Court of Justiciary. This innovation raised another loud outcry of treachery to the treaty of Union. To mollify the irate Scots a clause was inserted that a judge of the Scottish criminal court should always form one of the quorum in these Commissions. The Commons made two amendments, which tended further to compromise the differences between the opponents and supporters of the bill. They conceded the demand that the name of the witnesses should be submitted to the accused ten days before trial, and that no estate in land should be forfeited for high treason. The lords acceded rather than lose the measure; but, on the motion of lord Somers, added a proviso, that these concessions should not come in force till after the death of the Pretender. The Commons improved upon this, to the extent of inserting a clause that they should not apply till three years after the accession of the House of Hanover. In this form the bill passed by a small majority. To make it further acceptable to the bellicose Scots, it was accompanied by an act of indemnity for all crimes of treason committed before the passing of the Act on the 19th April, 1709, except those perpetrated at sea.*

The opposition entered a spirited protest against the measure as an infraction of the treaty. So far from answering its title of improving the Union, they dreaded lest it should have the contrary effect. They deprecated the wisdom of affording palpable grounds for the suspicion, in the heated state of public opinion, "that there is a tendency towards a total alteration of the laws of Scotland, which cannot but excite great uneasiness to that people, who rested in a confidence that these private laws were secured to them by the articles of union". They objected to the Commissions of Oyer and Terminer, as impairing

* Burnet, *History*, pp. 836-838. *Lockhart Papers*, I., pp. 300-301.

the authority of the Court of Justiciary, and to the alterations of the methods of trial, as tending to increase the difficulties both of prosecution and defence. They claimed, in conclusion, that the Scottish law of forfeitures having been included in the revolution settlement, the Scots had ample justification for their confidence, that they could not be deprived of their benefit, and that the provision relating to marriage settlements was only a very partial compensation for this deprivation. The protest was signed by Bishop Burnet and several English lords, by thirteen of the Scottish peers, and by Queensberry and Argyle, under their English titles of duke of Dover and earl of Greenwich.

The impotent opposition of the Scottish members of both Houses seemed to confirm the arguments of those, who had warned their countrymen against the danger of English dictation. The presence of a phalanx of forty-five Scottish members in the House of Commons was a factor with which both parties had to reckon, however. Though the Scottish representatives had generally acted with the Government, they had given, on several occasions, disagreeable evidence of their power to thwart their measures. Had they, from the beginning, formed a Scottish national party, they might, in the undisciplined state of English factions, have held the balance, and championed more successfully the rights of Scotland. The apprehension of this possibility made the minds of English politicians uneasy. "That which makes these forty-five men," wrote a correspondent of Godolphins, "though thus broken among themselves, not only different from, but more dangerous than, any like number of the English, is, that these three divisions, while influenced as now they are, forget their own animosities, and unite as one man, and that without any regard to the common good of the whole united kingdom." * Only on rare occasions since the Union has

* *Addl. MSS.*, 28,055, fol. 426 (18th June, 1709).

this policy been followed, with the result that the interests of their country have suffered from the pliability of Scottish members, as much as from the neglect of Englishmen. The adhesion to the traditions of party has been stronger than the claims of patriotism; but the latent power of a purely national representation had already asserted itself with striking effect. In the decision on the disputed elections at the commencement of the Session of 1708-9, the vote of Scottish members swayed the result. To their adhesions to the Whigs was owing the large amount of disaster, that befel the Tory members, against whom petitions were lodged. They made one notable exception. In spite of the support of the Government, they signalled out Sir Harry Duttoncolt, who had been guilty of making impertinent aspersions on Scotland during the Union controversy, for exemplary punishment. By joining with the Tories they turned him out of Parliament in favour of his Tory opponent.* The spirit of faction, however, inherited from the party divisions of the Scottish Parliament, was not proof against the temptation to disunion. Though the Scottish members professed Whig principles, harmony of opinion was disturbed by the antagonism between the men who had been staunch adherents of the Court Party in pre-unionist days, and the Whigs of the New Party. The duke of Queensberry had still his followers. Montrose, with whom the duke of Hamilton struck up a friendship, now held aloft the banner of the Squadrone. The trace of their quarrel remains in the record of the party manœuvres that centred around the first general elections to the British Parliament. The Queensberry faction are accused by a disappointed scribe of threatening recalcitrant electors with the loss of place and pension, of "splitting" freeholds, and thus manufacturing fictitious votes, of obtaining blank warrants to fill up with the names of hostile electors, and thus keeping them out of harm's way; of concocting

* *Lockhart Papers*, I., pp. 279-298, 531; *Cromartie Correspondence*, II., p. 82.

trumpery charges against those known to be favourable to rival candidates, and even throwing them into prison; of placing armed men near the polling booth to overawe electors, and sundry other malpractices.* Their jealousy was heightened by the decisive influence wielded by Queensberry on the administration of Scottish affairs. The duke had the ear of Godolphin, whose trusty henchman he had so long been, and the office of third secretary of state, with the management of Scottish business, was created for him. Montrose and Roxburgh were patronised by Somers and Sunderland, but they were excluded from a share of the government of Scotland, notwithstanding the influence of their patrons with the lord treasurer.†

* *A Brief View of the late Scots Ministry*.—Somers' *Tracts*, XII., pp. 627-28.

† Burnet, *History*, pp. 835-36.

CHAPTER XI.

EFFORTS TO "BREAK" THE UNION (1707-1708).

THE unpopularity of the Union was observed with keen relish by the Jacobite party. They saw, in the general irritation against England, a favourable augury for the success of their plan of "breaking" it, by a rising in favour of the Pretender. The spirit of hope overflowed in many a bumper, and they openly celebrated the birthday of King James, with hilarious rejoicings in town and country. The Union, they vaunted, not without some justification, had forced the public opinion of Scotland to veer in the direction of St. Germain's. Even the Cameronians, it was said, were ready to rise for King James, and accept a Catholic king, rather than submit to English slavery! The Presbyterian clergy, they assured the French monarch, had lost their influence by their selfish compliance with the ruin of their country. The great body of their co-religionists looked upon them as time-servers and traitors, and longed for the advent of the deliverer!* From one end of the kingdom to the other, the Jacobites heard the sigh of the oppressed, and exulted in the unanimity of sentiment, which inspired Revolutioner and Cameronian alike! They entered on a long campaign of intrigue during the summer of 1707. Negotiations were set on foot with the twofold object of obtaining the assistance of the French king, and uniting the Scottish people in support of the proposed revolution. A train of intriguing conclaves was laid over the whole kingdom. At the propitious

* *Lockhart Papers*, pp. 224-227.

moment the match was to be applied that would explode the Union, overwhelm an unsuspecting and apathetic* Government, and place the rightful heir in possession of his heritage.

The trend of Scottish feeling was watched with the keenest interest at the Courts of Versailles and St. Germain's. The zeal of Louis and his ministers was stimulated by exaggerated reports of this reaction. Missive after missive had arrived from leading Jacobites, setting forth the favourable prospect of a revolution, supported by an invasion from France. Under these propitious auspices, Colonel Hooke was again entrusted with a secret mission to the friends of the Pretender in the spring of 1707,† and a second batch of correspondence,‡ from both Louis and James, to the leaders of the disaffected in Scotland. James exhorted his adherents to deliberate with the envoy the best means of restoring their liberties, laws, and independence, while Louis warned them of the degraded fate in store for Scotland as the result of the Union. Scotland would become merely a province of England, more subject and more dependent than Ireland.§ Sailing from Dunkirk in the frigate *Heroine*, he landed safely at Slains Castle, after a voyage of five days. The lord high constable was absent in Edinburgh, but he received a warm welcome from his mother. She handed him several letters from her son, announcing the ratification of the Union, and the general dislike of the measure. A letter was also handed to him from Mr. Hall, the duke of

* Burnet, *History*, p. 815.

† He tells the story of his adventures in the second volume of the *Hooke Correspondence*; *cf.* the *Secret History of Col. Hooke's Negotiations in Scotland in Favour of the Pretender in 1707, including Original Letters and Papers.*

‡ The letters were for Athole, Hamilton, Marischal, Mar, Errol, Gordon, and others.—*Hooke Correspondence*, II., pp. 130-140.

§ "Si l'Union subsiste le royaume d'Ecosse devient province d'Angleterre plus soumise et plus dependante que l'Irelande."—*Hooke Correspondence*, II., p. 157.

Hamilton's confidant. His grace begged him to come to Edinburgh, professed his attachment to King James, and indicated the readiness of himself and his friends to hazard a rising on his behalf. The countess warned him not to put too much confidence in the professions of the duke, whom she accused of holding a correspondence with the Government. This was confirmed by a letter of the high constable, who wrote to beg him to await his arrival before following the duke's invitation southwards. Hooke meanwhile despatched lord Drummond, the second son of the duke of Perth, to inform the chiefs of the north and west of his arrival. He charged him to obtain answers to a series of queries by the French minister, M. Chamillart, and to present a copy of a circular letter from King James, containing an assurance of his determination to put himself at their head. Hooke added an appropriate exhortation on the necessity of suppressing animosities, in view of the dangers of disunion. He sent messengers on the same errand to the laird of Boyne, the confidant of the duke of Athole, and to the duke of Gordon. Lord Salton reiterated the charge of double-dealing against the duke of Hamilton, asserting that he had acted in concert with Queensberry and Stair, in order to nullify the efforts of the Jacobites to "break" the Parliament, in the hope of personal reward. The high constable, who arrived at Slains shortly after, told the same tale with more detail.

The duke's moderation had evidently embittered the more reckless section of the Scottish malcontents, who now followed the lead of Athole and Gordon. It was plain to Hooke that he would have to reckon with the spirit of faction, and that the Scottish lords, who might agree in their dislike of the Union, were by no means at one in their views of the means of breaking it. This division in the Jacobite camp was connected with the existence of two rival parties at the Court of St. Germain's. One of these adhered to the earl of Middleton, the other to the duke of Perth. The former inclined to commit the

destiny of the exiled house to the discretion of the duke of Hamilton; the latter patronised the more desperate section that followed the duke of Athole. According as the one or the other of these rival advisers wielded ascendancy over the Pretender and his mother, directions were sent to the friends of James in Scotland to take their cue from Hamilton or Athole. At this stage it would seem that Middleton was all-powerful with the ex-queen; for Hooke was shown a letter exhorting the Jacobites "to follow the direction of the duke of Hamilton, and not declare themselves till the duke has declared himself, when they may without danger follow his example".*

Hooke's business was to make capital out of Scottish discontent in the interests of his master, King Louis. Those of the Pretender were of secondary importance. He therefore adopted the policy of weighing the rival influence of Hamilton and Athole. The former, he found, possessed the greater credit with the Presbyterians. Their support being of vital importance in any plot for a rebellion, he resolved to court him assiduously, while carrying on negotiations with the party of his rival. He trusted, if he could secure the support of Hamilton, to find pretexts to persuade Athole to join. It was unessential to his real object of creating a diversion in favour of France, whether Hamilton, or James secured the crown of Scotland, as the result of the enterprise. "I desired," he says, "to keep myself in readiness to unite the party in favour of that prince or of the duke of Hamilton, according as I found the nation disposed."†

He ostensibly adopted the policy of seeming to espouse the side of the Athole party, but took care to despatch a letter to Hall for the duke of Hamilton, intimating that he was about to start for the south, and naming a place, within a day's journey of Edinburgh, where he could see his representative. He professed to be specially commissioned to

* *Secret History*, p. 22.

† *Hooke Correspondence*, II., pp. 347-409; *cf. Secret History*, p. 24.

treat with the duke, and hinted that it was in his power, by a hearty co-operation with France, to crown himself with immortal renown, and to raise himself to a height of greatness exceeding that of any of his ancestors. He was cognisant, he added, of expedients for the attainment of this glorious object, and emphasised the importance of the opportunity of saving, not only his country, but himself from ruin.

Having thus prepared the way for the prosecution of his mission with both parties, he began his progress southwards. After four days' incessant travelling, he reached the laird of Pourie's house. The laird expatiated, in glowing terms, on the good disposition of his dependants, which, said he, was an exponent of that of the whole nation. The laird of Boyne brought a message from the duke of Athole, to the effect that he was busy concocting measures with his friends at a distance, but would meet him at lord Stormont's castle of Scone in ten days. The duke's absence is suspicious; and might as aptly be interpreted as an intentional withdrawal, for the purpose of gauging events, before committing himself. There is a singular coincidence between the approach of Hooke and a tendency to discover unavoidable engagements, or to be taken suddenly ill, on the part of some of these Jacobite zealots. The fact is not without a shade of humour when told with all the serious vivacity of our Frenchified plenipotentiary. Hooke accepted his grace's excuses in good faith, and was rather glad that the ducal zeal in the good cause gave him a lucky interval for the prosecution of his prime intrigue with Hamilton. He left Pourie and Boyne to ply my lord Panmure and other neighbours, and proceeded to Glamis, to confer with the earl of Strathmore. Strathmore favoured him with the same confidences as to the duke of Hamilton's shiftiness, and exacted a promise that he would be sparing of his revelations in that quarter. His brother, the laird of Auchterhouse, who had just arrived from the south-west, was positive as to the hearti-

ness of the Cameronians. The duchess of Gordon, from whom he received a letter at his next halting-place, was equally conclusive as to the anxiety of the Presbyterians to serve the king, and pressed him to come to Edinburgh to confer with them. She added her testimony to that of Errol and Strathmore, as to the duke's treachery, and asserted—what was probably the truth—that he would merely dissemble, to prevent the adoption of effectual measures. Hooke persevered, notwithstanding, in his intention of converting the duke, if need be, on his own terms. After travelling all night, to prevent discovery, he found Mr. Hall at the place of rendezvous. Hall was profuse in compliments on behalf of his grace, and regretted most sincerely that a serious illness had prevented him from taking the opportunity of doing so in person. The duke, he represented, was eager for a personal interview, in order to learn the propositions which he was commissioned to make on behalf of the French king. If he would visit the capital, he would do his utmost to see him. Hooke was disappointed with these generalities, and replied that he could not risk a journey to Edinburgh, unless the duke could assure his safety. He requested his informant to be more precise, and to declare the duke's intentions without disguise. Hall replied that his patron was so ill, that, he believed, it would be impossible to arrange an interview for the present. He was ready, however, to enter into negotiations, if reasonable propositions were made to him, and was transported to hear that James and Louis had written to him. But as he did not bear any communication from the queen, he must conclude that the enterprise was not approved or sanctioned by her. Hooke parried these excuses by the declaration that he was ready to consider any demands the duke might make; but he could not lose time in meeting such shifty pretexts. His grace must be aware that King James had not made overtures, without consulting the queen, his mother. He was authorised to do his utmost to satisfy the duke as to the succours which might be deemed

necessary. The French king was prepared to help the Scots to make war, but could not be expected to fight their battles for them. He would even undertake to prove that the Scots needed no foreign troops to enable them to enter on a contest in which the odds were all in their favour. He offered, with a great show of magnanimity, to give the duke another opportunity of declaring himself before entering into negotiations with the other Jacobite leaders, and dismissed Hall with the letters for his grace, with which he had been entrusted.

The duke was not to be caught, and returned an exasperatingly suave answer. Hall wrote that he had found his patron in a most distressing state of health. He was driven to despair by the impossibility of seeing the French envoy, whom he loved and esteemed from the bottom of his heart. He would willingly risk his life for a personal interview, and was ready to concur in all reasonable measures for the restoration of King James, but insisted on the conditions of his landing with a considerable body of troops, and finally he wished him a prosperous voyage to France.

Hooke was forced to the conclusion that the duke was unmanageable. He returned a curt answer, and turned all his energies to his rivals. There were anxious conclaves at Scone and Drummond, and frequent communications with the well affected in distant parts of the country. The cheering reports of the favourable state of popular opinion contributed to make up for the indecision of the duke. The earl of Buchan, the duchess of Gordon, Ker of Kersland, and others, were ready to answer for the Presbyterians. The duchess's house at Edinburgh was the rendezvous of a set of busy intriguers, who exerted themselves to fan disaffection in the south. They congratulated themselves on having secured the co-operation of the Cameronians, through the laird of Kersland. The laird wrote to Hooke that they were willing to welcome King James, on condition that he would promise to secure the Protestant

religion. In conjunction with the other Presbyterians of the southern counties, and in co-operation with the Scots of the north of Ireland, they would undertake to hold the border against England for a year. They had resolved to abandon the leadership of the duke of Hamilton, who had been representing that the king was not in favour of a rising, in the hope of securing the crown for himself. Ker even offered to go to France to invite King James to Scotland, and remain there as a hostage for the fidelity of his confederates. All that they stipulated was a shipload of powder, to be sent to the Clyde, consigned to a merchant of the name of Walkinshaw.

Nothing now remained but to draw up a formal agreement. The terms formed the subject of lengthy debate, in the course of several consultations held at Scone. The duke of Athole, "who is also of a very tender constitution," inopportunely swelled the suspiciously large Jacobite sick list, at this important stage. His indisposition, unfortunately, went on increasing, during the course of the negotiations, and, as ill-luck would have it, he received a visit from his son-in-law, lord Yester, a zealous unionist. In these, doubtless, intentionally embarrassing circumstances, he found it impossible either to attend the conferences at Scone, or to have a personal interview with the French envoy, who accepted his excuses with the most innocent credulity. The attendance of delegates was suspiciously small, being confined at first to lords Murray and Nairn, the duke's brothers, lord Stormont, and the laird of Auchterhouse. They professed to represent a large number of zealous supporters among the nobility; and the negotiations proceeded. The first point related to the amount of assistance which the French king was willing to render. Hooke, whose object was to raise a civil war for the benefit of France, at as little cost as possible to his master, expatiated on the abundant facilities for raising an army in Scotland, as evidenced by the answers which he had received to the queries of M. Chamillart. His fellow-

negotiators were less optimistic. They could not contemplate the conquest of England without the landing of French reinforcements. On the contrary, replied Hooke, the defenceless state of England lays the country at your mercy, and its abundance places inexhaustible supplies at your disposal. But what, it was objected, if the English troops are recalled from Flanders? It will then be easy to despatch a large French force to your support, was the reply. In any case, the presence of foreign troops, they contended, is necessary to protect the king on landing, until the Scottish army can assemble. You forget, returned Hooke, that on your own showing, the country is ripe for rebellion, and that the king will come among friends at whatever point he may land. Neither in Scotland, nor in England is there a single fortress that can resist the strength of a general rising. As to the fear lest untrained levies might fail to make headway against regular troops, had not the Highlanders won a brilliant victory at Killiecrankie over the finest regiments of England and Holland? True, was the reply: but is it not vastly in the interest of King Louis to strengthen our attack on England? Hooke then adopted a very high tone. His most Christian majesty was powerful enough to deal with his enemies, whereas the Scots would remain slaves, if he withdrew his patronage. In that case, was the retort, he could surely spare five thousand men for the purpose of humbling England, with twenty transports to bring them to the Ness, and provisions for a short voyage. Such an enterprise, plausibly returned Hooke, would only defeat itself; for the English would assuredly be timeously informed, and nip the project of a general rising in the bud, by seizing all the leading Jacobites beforehand. These specious reasonings had the desired effect of securing the adoption of his real policy of embroiling Scotland, without committing the French king. After consulting with Mr. Graham, a former solicitor-general under James VII., and the duke of Athole, it was agreed to leave the ques-

tion of succours in men and money to the magnanimity of Louis. Hooke assured them that they might rely on the restoration of the privileges which Scotland had enjoyed under the ancient alliance with France.

At this stage, lord Kilsyth arrived to renew negotiations on behalf of the duke of Hamilton. He emphasised the old contention, that it was necessary to secure a certain number of men, and a certain sum of money, before obliging themselves to embark in so hazardous an enterprise. He strove to induce the others to reconsider their decision to waive all stipulations, by pointing out that the union of the two countries was so prejudicial, and its forcible disruption so advantageous to France, that the French king might reasonably make every sacrifice to this end. He argued himself into a passion, to no purpose, to prove the duke's sincerity. In the end, he allowed himself to be talked over by the skilful envoy, and after shedding copious tears over the conflicting claims of friendship and duty to the cause, left for Edinburgh, for the purpose of intimating to the duke his resolution to throw in his lot with the other side.

Instead of a treaty, a memorial was then drawn up. It represented the unanimous eagerness of the Scottish people to rise for King James, if he would put himself at their head, the resources of the country in supplies, their readiness to raise an army of thirty thousand men for the conquest of England, the poverty of the country in arms, ammunition, and money, the advisability of providing a body of French auxiliaries, which should not be less than five thousand men, if a landing were attempted south of the Forth or Clyde, and the necessity of a supply of arms and artillery, sufficient to equip the above-mentioned force. Stormont and the laird of Boyne were the first to sign it, the former being authorised to do so on behalf of the duke of Athole, the earls of Niddesdale, Traquhair, Galloway, and Home, the lords Kenmure, Nairn, Semple, Sinclair, and Oliphant, and a large number of the gentry of the south of Scotland. "His excellency," as Hooke affected to be called, then set out for Drummond.

The marquess signed on behalf of the chiefs of the West Highlands, and the lairds of Logie and Abercarny, and lord Kinnaird readily followed his example. The earl of Breadalbane would not commit himself further than a general promise of support, as soon as the king should land. Hooke next visited the seats of the earls of Strathmore and Panmure, the laird of Pourie, the duke of Gordon, and the earl of Errol, gathering signatures on behalf of the greater number of the more considerable nobility and gentry, as he went. A suspicious feature of the business is the paucity of those who were willing directly to commit themselves, by signing in person. Gordon gave, as a reason for refusing to adhibit his signature, that he could not agree to the article which exposed the king to the peril of a personal landing. This looks like the equivocal expression of a secret wish that his majesty might be spared the trouble of taking such a dangerous and inconvenient step. The earl of Marischal was also found to be on the sick list at Edinburgh; but wrote to assure Hooke that he would be the first to take arms for the king, and sent his cousin, the laird of Keith, to sign for him.

At Slains, he found a letter from Mr. Hall to the countess, announcing his impending arrival to renew the negotiation on behalf of the duke of Hamilton, and begging Hooke to delay his departure till then. Hall arrived two days later, bringing letters, written in cypher, for King James and his most Christian majesty. Hooke discovered that the duke's demands for men and money had risen in the interval; and a long dispute ensued, during which "his excellency" kept up with spirit the *rôle* of the injured party, and Hall fenced dexterously for the honour of his grace.

In the letter to King James, dated the 29th May, 1707, "Sara Brown" appears in his usual cautious mood. He lays stress on the fact that only a strong effort on the part of France will carry the country into active measures. A reinforcement of 15,000 men, at least,

will be necessary. The demand, he contended, was not exorbitant, now that the victory of Almanza had retrieved the position of the French king. If the object were only to seize Scotland, the number of reinforcements need occasion no dispute. But to come for Scotland alone was not worth the king's while; and the conquest of England could never be carried out with a weak force, however favourably the Union had disposed all sections of the Scottish people in favour of a rising. If the duke had only been in possession of £20,000, the Union had never taken place. Something might be hoped from party divisions in England. The Union, however, had the support of Marlborough and Godolphin, as well as of the Whigs; and, in spite of the general aversion of Scotland, could not be broken without a great effort. "Either come with a strong power," he concluded, "or wait the will of God. A weak effort can never be repaired." *

In his epistle to Louis, "Sara" similarly expresses his conviction that only a strong effort—an expedition of 15,000 men, at least—will avail. "Unless a strong force be sent, both the king of England and your troops will run great risk. Although the Union has embittered the minds of a large number of people, it is not possible to raise an army in a short time, nor reduce England without numerous succours at the commencement. Without them, neither the king nor we shall reap any advantage from this expedition, and it is an enterprise not to be attempted twice." †

The tone of these letters agrees with the more favourable version of Hamilton's statesmanship given by Lockhart. According to him the caution of the duke, in dealing with Hooke, arose from a conviction that the scheme was being entered on with more zeal than discretion. He and his friends contended that, as the emissary of King Louis refused to make a definite offer

* *Hooke Correspondence*, II., 275-278.

† *Ibid.*, 268-269.

of succours, sufficient to ensure the success of an enterprise of such magnitude, it would be doing no service to the king, or their own interests to run the risk of defeat. The enthusiasts pooh-poohed these fears, and threw suspicion on their motives. The variance of opinion was not as to the advisability of making the attempt to break the Union, in the interests of Scotland and its king, but as to the amount of foreign assistance to do so successfully. These negotiations emphasise the fact that the policy of forcing the Union on Scotland, in the teeth of an inveterate opposition, had entirely changed the attitude of its leaders, Hamilton and Athole, towards the claims of the Pretender. While before the debates on the Union, both had indignantly, though, in the case of Hamilton, at least not altogether honestly, disclaimed the imputation cast on their loyalty by the Scots plot revelations, their hatred of the Union had transformed them into decided partisans of a revolution. But there was a marked difference in the methods to be followed in bringing about the revolution. The zeal of the Athole party, at least, so far as mere profession was concerned, was ready for any reckless enterprise. But they under-rated the difficulties of the project; and their views, falling in with the French policy of creating civil war, as cheaply as possible, the attitude of Hamilton and his associates was decried as cowardly and dishonest. Moreover, the latter had a suspicion that the French emissary was acting solely in the interest of his own king. The thought of his personal prospects certainly entered into the calculations of Hamilton; but, whether the rising was to benefit himself or King James most, he was resolved to make sure that he and his friends should not risk their lives and fortunes without substantial inducements. In this cautious attitude they were supported by the earl of Middleton; and thus, at a critical moment, the Scottish Jacobites were divided by the contentions of rival leaders at home and rival ministers at the Court of St. Germain's.*

* *Lockhart Papers*, pp. 229-234.

Hooke set sail for France in June, in the belief that he had sealed the doom of the Revolution and the Union. As the result of his visit, he submitted a memorial on the state of Scotland to the French king,* in addition to the agreement which he had concluded with the Scottish lords. These, he assured his master, were prepared to raise an army of 25,000 foot and 5000 horse, and to lead them across the border to the conquest of England. They confidently relied on the co-operation of a large disaffected party in England itself. The withdrawal of the English army to the Continent would enable the invaders to over-run the country in a short time. The seizure of Newcastle would deprive London of fuel, and reduce it to the greatest extremity in six weeks' time. Abundance of supplies would accelerate the movement of the Scottish army, augmented by large contingents of English malcontents, on the capital, before the Government could recall the troops from Flanders. Ireland would immediately follow the example of Scotland. The men of Ulster alone would furnish a corps of 20,000, under a capable commander. All that was wanting to secure the success of the enterprise was the presence of King James. The unanimity of the Scottish people was a guarantee of general support. Even if the English Government succeeded in repelling the invasion, the outbreak of civil war must prove of the utmost advantage to France. The necessity of restoring order in Scotland would diminish the strength of the English army in Flanders, and relieve the French king from the pressure of his most formidable assailants. All that the Scots stipulated was the landing of a force, whose number they left to the discretion of his majesty, to protect the king until the Scottish army could assemble. They requested that the Irish troops in the service of France should form part of the expeditionary

* *Relation de l'Execution des Ordres du Roi confiez au Sieur Hooke dans son second Voyage d'Ecosse donnée à Mess. de Torcy et de Chamillart le 9 Juillet*, 1707, II., 347-409.

force, and desired the command to be given to the duke of Berwick. They were in need of a number of officers, 30,000 stand of arms, a train of field pieces, ammunition for 30,000 men, 600,000 livres to enable them to begin the war, and a subsidy during its continuance. Hooke proceeded to suggest that a fleet of twenty frigates should be equipped at various convenient ports, and concentrated at Dunkirk for the transport of the expedition to Scotland. Under the pretence of a long voyage, supplies to last for six months should be put on board. The necessary troops should be secretly moved, in separate contingents, from the garrisons in the neighbourhood of Dunkirk, so as to arrive there immediately after the concentration of the fleet. To disarm suspicion, the destination of the various contingents should be purposely misrepresented in the orders sent to the various garrisons, and the expedient adopted of marching them to the place of rendezvous by different routes. The King of England, he added, should suddenly arrive, on the appointed day of embarkation, in the middle of September. In two days' time the fleet might anchor before Leith, and seize Edinburgh. Thus the adherents of Queen Anne might be made prisoners before the Government could take measures to oppose an invasion. He enlarged on the probable advantage to France of such a diversion, under the auspices of King Louis. Besides entirely disorganising the plans of the allies, the disturbance of English commerce, and the fall in the value of exchequer bills, would stop the flow of English subsidies. The additional strain on the sorely exhausted resources of France would prove a cheap sacrifice, in return for a respite, which could not fail to improve her position.

Besides the memorial from the Scottish lords, who were only represented by the insignificant number of ten signatures, Hooke carried with him a number of letters to King James, to confirm his strain of confidence and self-glorification. Gordon, Panmure, Stormont, Drummond, and Errol, assured his majesty that the nation was sighing

for deliverance from English slavery. Scotland to a man would hail the advent of one who was resolved to maintain her laws, liberties, independence, and religion! This assurance was certainly an exaggeration, the offspring of an intense hatred of the union, and a no less intense attachment, coupled with a leaning to the traditional Franco-Scottish alliance, to an exiled House. In their estimate of the revulsion of national feeling in favour of James VIII., these sanguine politicians allowed themselves to be deceived, not merely by their optimistic temperament, but by the fatal confidence which they placed in Ker of Kersland.

Ker was in reality a Government spy, and succeeded, with all the adroitness of a master in the art of deception, in playing a double game. In the *Hooke Correspondence* he appears as the most ardent of Jacobites. In his own *Memoirs** he lifts the mask and shows himself as one of the cleverest intriguers in the service of Queensberry and Godolphin. As to the head of the Cameronians, he was courted by both parties. He chose to make capital out of his religious reputation in the service of the Government. His scruples, he assures us, were overborne by the arguments of Queensberry and Rothes, and by the sophistries of a casuist parson; and he entered for the second time on the slippery path of deception and intrigue. The Jacobite leaders, eager to secure so influential a pillar of religion, struck a bargain with him. At a conference in Edinburgh, in May, 1707, they undertook to satisfy him as to the king's readiness to receive instruction in the principles of Protestantism, and to provide him with an equivalent for his estate, in case of the failure of the expedition. They initiated him into the cypher, in which they maintained a correspondence with St. Germain's. They agreed that the main clause of the manifesto in favour of the Pretender should be a declaration of

* He tells the story of his intrigues in his *Memoirs*, I., pp. 39-70.

hostility to the Union, as the most likely means of gaining the suffrages of the people. All this Ker reported forthwith to the duke of Queensberry in London, and received in acknowledgment the promise of the queen's favour. Under the influence of this stimulant, he redoubled his energies, gathering information, by means of a band of subordinates, of all that went on in the Jacobite clubs and meetings throughout the country. He even entered into direct communication with St. Germain's, through one Howison, who had formerly maintained a voluminous correspondence with the Pretender's ministers, when secretary to Sir James Montgomery of Skelmorlie. Through this channel he got on the track of a number of secret agents, who came over from France after Hooke's departure, and narrowly missed having them seized and imprisoned in Edinburgh.* He claimed the merit of discovering the attempt, which was planned to seize the castle, and carry off the large sum lodged there in payment of the equivalent. He succeeded, he assures us, in persuading the conspirators to postpone their design, by affecting to believe that the attempt would alarm the Government, bring the English fleet to the Forth, and thus defeat the projects of an invasion and a rising. He earnestly exhorted the Government to put the kingdom in a state of defence, and posted to London, unknown to his Jacobite confederates, to impress Godolphin with a sense of the danger that threatened the tranquillity of the Government. This journey had nearly betrayed him, for he was seen by a Jacobite to leave Godolphin's house in St. James's Square, and information of the fact forthwith despatched to Edinburgh. To give this unlucky incident the lie, he hastened northwards, and, reaching the Scottish capital before the incriminating missive, put in an appearance at the duchess of Gordon's, the evening before the letter arrived. When taken to task by his suspicious con-

* *Lockhart Papers*, I., pp. 302-309.

federates, he descanted on his innocence with the utmost indignation, and disarmed the accusation by pointing out the impossibility of his reaching Edinburgh in so short an interval. To strengthen the belief in his sincerity, he went to Sanquhar, and convened the section of the Cameronians who followed the banner of Macmillan, one of their most fervid preachers. The meeting actually resolved to abandon the authority of the queen, and to refuse to pay taxes, as a protest against the Union. A declaration embodying this resolution was affixed to the Market Cross. Ker sent the document to Cockburn, the lord justice clerk, who was in the secret, with an apology for his conduct. It was absolutely necessary, he insisted, to do something desperate-looking, in order to substantiate his credit both with the Jacobites and the Cameronians. Aware of the preparations that were being made to set the expedition on foot, he paid another visit to London, to urge the necessity of sending men and money to Scotland. Godolphin received him "with a grimace of esteem," gave him a number of guineas for his personal satisfaction, but evaded the demand for immediate payment of the arrears of the Cameronian officers, who had served in Flanders, and for a supply of ammunition to their followers. Ker was forced to be content with a promise of compliance, and posted down to Scotland, determined to throw off the mask, and raise the Cameronians for the queen, instead of the Pretender. At a second meeting at Sanquhar, he exhausted the resources of sophistry to persuade them, as he had previously persuaded them to the contrary, that it was incompatible with their principles to support a Popish prince, who relied on the fleet of a Popish power, and was about to land in Scotland at the head of Popish Irish regiments. He succeeded in serving up a concoction of gospel and politics sufficient to please the palate of men so exacting as to the flavour of both. He quoted with effect the judgments denounced against Jehosaphat for associating with the enemies of God, and exhorted them to await the

dispensation of Providence to deliver them from the iniquitous Union. The Cameronians smothered their hatred of the uncovenanted English, and agreed to abide by the will of Heaven. Meanwhile, they proposed to throw the weight of their martial fervour into the scale against the Pretender. Ker hastened to Edinburgh to receive the money which the treasurer had promised. All he found was an order commanding the lord justice clerk to provide the sinews of war. The order turned out to be a request to Cockburn to pay the necessary sums, backed by the promise that the treasurer would do his utmost to persuade the queen to repay it. No money could be obtained on such conditions; and Ker returned disconsolate to his Cameronians, to await an attack, which he was unable to forestall.

Several months elapsed, and still there was no sign of the French fleet. The impatience of the Jacobites became uncontrollable; and letter after letter was despatched to M. Chamillart, demanding, in the name of Heaven, why nothing was attempted. Even the duke of Hamilton, if we may credit a letter, purporting to be written, at his instigation, by Mr. Hall, became keenly anxious for some sign of action. "The duke of Hamilton," wrote Hall on 2nd August, "has informed himself more fully concerning the dispositions of the west; and this is what he orders me to tell you. All the Presbyterians are resolved to oppose the Union; and if the King of England comes to Scotland with six or eight thousand men, he will have more people for him than he will know how to employ. . . . All that the Presbyterians demand of the King of England is, to declare against the Union, and to maintain the Parliament, and the independence of the nation. . . . They conjure him only to promise the safety of the Protestant religion in general, and to refer all the rest to his first Parliament. All the Tories are zealous for his interests; but it will be necessary that he come soon, otherwise the opportunity will be lost." "We are in great consternation," wrote the

duke of Gordon,* a week later, "at not hearing from you, and are therefore obliged to be urgent to know what we may hope for. Secrecy is necessary in great affairs; but too much mystery ruins all. May we know, at least, whether we shall be assisted or not? The duke of Hamilton begins to espouse our interests heartily." "For God's sake," implored the duchess, shortly after, "what are you thinking of? Is it possible that after having ventured all to shew our zeal, we have neither assistance nor answer? All is lost for want of knowing what measures ought to be taken. Several of the greatest partisans of the Union acknowledge their error, and come over to us." Even Ker is found innocently apostrophising St. Germain's, in the name of the Cameronians, to come to the rescue! "The Union is so universally detested that it has changed the hearts of the greatest enemies of the King of England. I should not wonder if this change should not be easily believed in France, for I am surprised at it myself, and yet it is true."

The project, though delayed, was so much to the advantage of France, that it had become an essential factor of the French policy of forcing a peace upon the allies. The spring of 1708 was chosen as the most suitable time for carrying it into operation. It was decided to send over five thousand men, and to adopt Hooke's suggestion of assembling a fleet at Dunkirk for their transport. The object of the expedition was ostensibly to recover the English conquests in Nova Scotia, and to attack the English colonies on the American mainland. This would involve a voyage round the north of Scotland, and, it was hoped, disarm suspicion of the real point of attack. The command of the fleet was entrusted to Admiral Forbin, that of the troops to Marshal Matignon. By the middle of March the requisite supply of ammunition and arms, with provisions for several months, was put on board, and

* For these letters see *Secret History*, pp. 111-116; *cf. Hooke Correspondence.*

the selected regiments embarked. The Pretender, who had travelled incognito, with a small retinue from St. Germain's, arrived at Dunkirk on the 17th; and the fleet, consisting of five ships of the line, twenty-one frigates, and two transports, set sail the same afternoon. The appearance of several English men-of-war cruising in the neighbourhood, hastened the movements of the French admiral. A contrary wind springing up during the night, compelled him to anchor off Nieuport till the 19th, and gave time to apprise Sir George Byng, who had hurriedly assembled a fleet of twenty-eight sail, in the Downs, of the departure of the French. Three of the vessels were compelled to return to Dunkirk for repairs. The wind changing to a favourable quarter on the evening of the 19th, M. de Forbin decided to continue his voyage without them, sending back orders to their captains to follow with all speed. During the next two days, the fleet, favoured with a brisk wind, proceeded northwards. On the morning of the 23rd, the admiral sighted the coast of Scotland, off Montrose, having passed the Firth of Forth during the night. He tacked southwards for the purpose of entering the Firth and casting anchor in the bay of Burntisland. It was resolved to effect the first landing there, and send a detachment to seize the bridge of Stirling. On the evening of the 23rd, the fleet anchored near the May Isle, at the mouth of the Forth. The admiral despatched the frigate *Proteus*, flying the English flag, to signal his arrival by a broadside, to his friends on shore. A Jacobite enthusiast, Malcolm, who awaited the given signal* at Fifeness, came on board with a number of pilots, and announced that all was ready on shore for a rising.

The news aroused exuberant jubilation among the Jacobites of the capital. Consternation seized the friends of the Government, who durst scarce show themselves in

* Forbin afterwards complained, probably to justify his own remissness, that his signal was not responded to.—Portland to Carstares, *State Papers*, p. 763.

the streets. The earl of Leven, the commander of the castle, who was made aware of the danger by an express from Dunbar, put a bold face on the situation, and marched his scanty forces down to Leith Sands to oppose a landing. By-and-by, a report was circulated that the English fleet had been sighted off the Forth in pursuit of the French. The defiant confidence of the Jacobites was changed into anxiety, which was wrought up to the highest pitch, as the masts of a large armament were descried on Sunday, the 25th, moving up the Forth. Is it the French or the English fleet? was the question that was asked with bated breath. The commander-in-chief paces the sands, scanning his meagre ranks in great trepidation. Every point of vantage, within and around the city, is manned by eager partisans, whose hearts beat quick with alternate hope and fear. At last, the British flag flying from the mainmasts of twenty-five men-of-war, announces the fact that the French fleet has been beaten off.

De Forbin, it appeared, had sighted the ships of the English vanguard at daybreak on the 24th; and instead of bearing up to a place of shelter in the Forth, gave the order to put to sea, with the object of gaining the Cromarty Firth, and effecting a landing there. A strong breeze blowing off the land favoured his purpose. A hot chase followed. The leading ships of the English fleet came within gunshot of the French rear, and engaged the *Auguste*. This vessel escaped; but the *Salisbury*, which had formerly been taken from the English, was compelled to surrender, after a stiff engagement. During the progress of this running fight, the Pretender several times begged to be put ashore. M. de Forbin was inexorable. A considerable portion of baggage was thrown overboard to lighten the French ships; and, being cleaner than those of the enemy, they outsailed their pursuers during the night. The English admiral deemed it advisable to tack about for the protection of the Forth. Forbin kept a northerly course for the Cromarty Firth; but having no pilot on board who knew

the entrance, he sent the laird of Boyne in search of one off Buchanness. The laird found it impossible to land, owing to the heavy sea. The wind, meanwhile, veering to the north, and a strong gale blowing, the French admiral deemed it best to relinquish the enterprise, and return to Dunkirk. His resolution was quickened by the fact that he had already lost touch with several of his vessels, and might himself expect to be caught in an unfavourable situation by the enemy. He alleged the fear of provisions running short as an additional reason, but some of the disappointed Jacobites ascribed his prudent action to a desire to save France any further risk in a struggle into which, he assumed, his unlucky attempt would suffice to precipitate the Scots. The arrival at Dunkirk of straggler after straggler of the French fleet, followed by that of the admiral, on the 17th April, with nine vessels, and that of the Pretender, with the remainder shortly after, gradually conveyed to the French Government the details of this unfortunate result of an expedition, from which so much had been hoped. The sufferings of the expeditionary force on board the overburdened vessels, during the rough weather, had been intense. The loss from sickness, capture, and exhaustion has been computed as high as four thousand men.*

The danger from which the Union and the Government of Queen Anne had escaped was a very serious one. A little more energy on the part of the French admiral, who proved himself much too cautious and dilatory, in an affair which demanded much boldness and decision, would have plunged the country into a civil war. The fact that the Government, in dependence on the alertness of the fleet, which, it was confidently expected, would be reinforced by a Dutch squadron, had culpably neglected to take adequate measures for the defence both of England and Scotland,

* Burnet, *History*, p. 825. See the narratives of Marshal Matignon and M. D'Andrezel in the *Secret History; cf. Lockhart Papers*, I., pp. 239-247.

affords convincing evidence of this. After the departure of the French fleet, urgent orders had been sent to withdraw a number of British regiments from Flanders for the defence of the north of England. But before a sufficient army could have been equipped, Scotland must have asserted its independence, and threatened England with invasion. Previous to the departure of the Pretender from Dunkirk, the French Government had despatched Mr. Fleming, brother of the earl of Wigton, to prepare the country for an immediate rising. As in the case of all these secret agents, he had been put ashore from a French frigate at Slains Castle. He had sent timely warning to have pilots and messengers ready at all likely points of the coast. Fleming took measures with the earls of Marischal and Errol to organise the men of the north. He then proceeded southwards on the same errand; arranging with Strathmore, Athole, Panmure, Breadalbane, Kilsyth, Drummond, and others for the immediate arming of the men of the Mearns, Angus, Perth, Stirling, and part of Argyle. He next went to Hamilton, and found the dowager duchess, in the duke's absence, anxious to help. Reports from the southern counties were equally favourable. Unless the greater part of the Scottish nobility were guilty of the most glaring double-dealing, the landing of the king must have been the signal for a determined effort to place him on the throne of Scotland.*

The duke of Hamilton's attitude was in keeping with his cautious and indecisive character. At this juncture, he discovered, it seems, that pressing business required his presence on his estate in Lancashire. Before leaving, he assured his friends, Lockhart and Kilsyth, that he would instantly return at the news of the king's landing. Three days after he had started from Kinniel, Captain Straton sent an express to announce the receipt of the news that the expedition was about to sail. The duke deliberated

* See *A Narrative of the Voyage of Mr. Fleming to Scotland, and of the Present State of that Kingdom. Secret History*, pp. 178-185.

with Lockhart, who had accompanied him as far as Murray of Stanhope's house, on the course to be taken. He plausibly came to the conclusion that, if he returned all of a sudden, the Government would suspect some sinister design. He accordingly decided to proceed; but assured Lockhart that if the king really effected a landing, he would at once set out with a body of horse, raise the shires of Dumfries and Lanark, and defend the border against any attempt from England until the Scottish army had assembled and Parliament had been convened. The duke was ultimately prevented from putting the sincerity of these assurances to the test by several queen's messengers, who kept him prisoner in his own mansion. He might congratulate himself that this mild form of restraint had, doubtless by his own prudent foresight, saved him from the danger of compromising himself more seriously in Scotland.

Great was the exultation of the Whigs over this sorry ending of what had every appearance of a vast conspiracy to overthrow both the Revolution and the Union settlements. It proved a fortunate diversion in their favour, at a time when their influence was beginning to wane, and the intrigues of their opponents bade fair to loosen their hold on the queen's favour and the suffrages of the electors. Harley, whose Tory proclivities were beginning to assert themselves in disputes with Godolphin and Marlborough, and in plots to shake their authority, was dismissed from his post of secretary. St. John was replaced by Walpole as secretary for war. The triumph of the Whigs was completed by the appointment of lord Somers as president of the Council. Both Houses of Parliament overflowed with congratulations on the defeat of an enterprise, in which the hands of Tory malcontents were distinctly traceable. The Lords denounced "this hellish attempt" in scathing terms, and warned the queen against allowing access to those, who were doing their utmost to discredit the Government and overturn the Protestant succession. The Commons

vindicated their loyalty with equal emphasis, and demanded exemplary punishment on those, whose treachery had well-nigh plunged the country into civil war. They drew from this nefarious conspiracy an additional argument for the prosecution of the war with France, in defence of the liberties, not only of the Continent, but of the United Kingdom.

The queen in her replies, and in the speech with which she closed the Session on 1st April, 1708, expressed, in more marked terms than on any previous occasion, the necessity of placing her confidence in the great Revolution Party. She had hitherto avoided mentioning the revolution in her public deliverances. On this occasion she used the word twice, and referred to the exile of St. Germain's as "the Popish Pretender, bred up in the principles of the most arbitrary Government". This language was interpreted as an act of public homage, on the part of the queen and her advisers, Godolphin and Marlborough, to the principles of the Whigs. The reaction against the Tory malcontents told on the ensuing elections. It bore the Union triumphantly through a most critical phase of its history, and paralysed the discontent of the bellicose Tories and their allies in Scotland.*

Notwithstanding the call for summary vengeance by the Commons, the Government dealt very leniently with those who stood convicted, by the revelations of Ker and others, of treason to the Constitution. Lord Griffen, who was taken on board the *Salisbury*, was tried at the bar of the Court of Queen's Bench and sentenced to execution. The sentence was reprieved from time to time, until he died in the Tower two years afterwards. A large number of the leaders of the Scottish malcontents, including Belhaven and Fletcher, was seized and confined in the castles of Edinburgh and Stirling.† They were subse-

* *Parliamentary History*, VI., pp. 725-732. Burnet, *History*, pp. 824-826. Lockhart, I., p. 248.

† *Melville and Leven Correspondence*, II., pp. 214-225.

quently conveyed to London and lodged in the Tower. The indignation of their countrymen was aroused at this arbitrary removal of Scotsmen to stand their trial before the English courts.* Their wrath was not lessened by the fact that the entrance of the prisoners into London was made the occasion of a hostile demonstration by the mob. The duke of Hamilton was likewise removed from Ashton in Lancashire, and placed in durance with the others. To his efforts in gaining the Whigs, by the offer to support Government candidates at the approaching elections, Lockhart ascribes the fact that proceedings were stayed against the prisoners. Some of the disaffected were put on their trial in Scotland; but the charge of appearing armed at the head of their vassals was, in view of the Act of Security, capable of an innocent explanation. A verdict of "not proven" was returned, and the Government showed no disposition to scrutinise the plea too narrowly.

The attitude of the Presbyterians, during this crisis, sufficiently vindicates them from the aspersions on their loyalty in the *Hooke Correspondence*. The majority of them doubtless hated the Union, but they were evidently not prepared to accept a remedy at the hands of a popish sovereign. Hooke's assertion that he had succeeded in engaging them in the interest of King James, amounts to nothing more than an assumption, based on the misleading assurances of Ker and the Jacobite leaders, whom Ker deluded. The staunch revolution principles of Carstares, and his influence in the General Assembly, coupled with the memory of the Stuart *régime*, were sufficient to counteract the anti-unionist irritation in the hearts of the people. The earl of Portland wrote to congratulate the principal on the loyal address, which the Commission of Assembly presented to the queen. Seafield was in a position to assure him that the attitude of the Presbyterians had raised them in her majesty's favour, and secured them

* Burnet, p. 836.

additional friends among the Whigs. The Presbyterians were destined, however, before long to regret the fickleness of royal favour, in the re-introduction of Patronage, a measure which was destined to prove an unmitigated calamity to the Church for many years to come.*

The administration of Scotland, in the light of this great danger, formed the subject of a warm debate in the House of Lords. Lord Haversham passionately denounced the incredible neglect of the defence of that country, shown by the Government. The Government, he might have added, seemed to think that the Scots might be left to shift for themselves, now that their Legislature was merged in that of England. This is the first glaring instance of the culpable disregard of the interests of Scotland, by the executive Government, that has so often formed the subject of complaint north of the Tweed. Whilst Parliament was busy tampering with the union settlement, the Government allowed the liberties of the country to be placed in jeopardy, with a callousness that looked like studied neglect.† True, they assembled a fleet in an incredibly short time, after the full extent of the plot was made patent to them; but to depend solely on the chance of a naval engagement with an enemy whose armament was by no means despicable, revealed a singularly childlike trust in Providence. Well might Marlborough raise his hands in amazement, as he heard the news of the nation's miraculous escape. "Well, man proposes; but God disposes," was his significant remark. Haversham, in his indictment of this negligent treatment of Scotland, asserted that the Government had received certain tidings of the object of the French preparations by, at latest, the 23rd February. Two days later, the queen had sent word of it to the Scots Privy Council, and announced that troops

* *Carstares Papers*, pp. 764-765.

† The author of *A Brief View of the late Scots Ministry* adduces this neglect as one of several reasons for charging Queensberry with secret Jacobitism!

would be brought over from Flanders, in case the embarkation proceeded. The forces in Ireland were to be held in readiness to reinforce the troops in Scotland, who, at this date, numbered only about fifteen hundred, although Parliament had some months previously ordered the Scottish garrisons to be raised to six thousand men. Nevertheless, Leven is found in the middle of March, complaining to Mar, that not a man had been added to the slender force under his command at Edinburgh, and that not a farthing had been sent to enable him to equip recruits. "Here I am," wrote he on the 13th March, "not one farthing of money to provide provisions, or for contingencies, or for intelligence; none of the commissions yet sent down, few troops, and these almost naked. It vexes me sadly to think I must retire towards Berwick, if the French land on this side of the Forth." * The Government could not shelter itself behind the excuse that it had not received timely warning of the deplorable state of the Scottish garrisons. Eighteen months before the attempted invasion, Leven reported to Marlborough that "the magazine (of Edinburgh Castle) is in a very bad condition, there being little or noe cannon powder, noe flint stones, few or noe chests of balls, either for firelock or pistol, and but a small quantity of cartrage paper and match. And for arms there are not above two thousand firelocks, and these the refuse and worst of all the arms provided for many years, and so consequently very bad. There are few or noe bayonets." † Not till the danger was over, was an order sent to the customs authorities to advance a sum of money for provisions and other necessary charges. The Privy Council was, indeed, directed by a royal order to expend whatever sums were necessary to put the fortresses of Scotland in a state of defence, on the promise of repayment by the Treasury. The Council returned the lugubrious answer that there was

* *Parliamentary History*, VI., p. 769; *cf. Melville and Leven Correspondence*, II., pp. 62-68.

† *Correspondence*, II., p. 194.

not a shilling in the Scottish Treasury, and yet, confessed they, there never was a country in a more destitute and defenceless condition! As to the transport of English troops from Ostend to Tynemouth, they did not reach that port until ten days after the French had signalled their arrival off the Forth. By an egregious blunder, the troopers, conveyed by Admiral Baker's squadron, were to be taken to Harwich, to be supplied with horses in Essex, instead of finding them on their arrival at Newcastle. The same remissness and blundering were observable in the execution of the plan of bringing troops from Ireland to Scotland. Haversham was unable to discover that the transports mentioned in the queen's letter to the Scots Privy Council, as being in readiness for this service, had been provided at all. All that had been done was to order the commissioners of transports, about the middle of March, to hire some vessels at Liverpool and Whitehaven. Orders had also been despatched to prepare supplies, and hold several regiments in readiness to embark. Before these orders could have been executed, the fate of Scotland would have been sealed twice over.

The condition of the Scottish fortresses was even more damning to the credit of the Government. In the castle of Stirling there was one barrel of powder, five hundred and fifty firelocks, of which only a hundred were fit for service —and even some of the hundred wanted ramrods and nails —seven hundred and eighty muskets, mostly in need of repairs, one hundred and fifty bundles of match, "all damnified with lying in rain," three hundred bayonets, and two hundred pikes, all likewise "damnified by long lying". Dumbarton was discovered to be in even a worse plight,—the walls in a ruined state, the few brass guns without carriages, the men's quarters in ruins, and not an ounce of powder, coals, or provisions on the premises. Blackness could boast of two barrels of powder and a couple of cannon. It was estimated that £23,000 were required to put these fortresses in anything like a defen-

sible condition, but only £1500 could be spared for this necessary expenditure during the year 1708. Well might the speaker conclude, "that if there be no greater care taken for the future, than there was at this time of such imminent danger, it will be the greatest miracle in the world, if, without a miracle, the Pretender be not placed on that throne".*

To these damaging facts the Government could only reply, that the orders to the troops could not be issued before it was known where the enemy was to land, and that timely and effectual measures had been taken to counteract the design. Most men will probably agree with Burnet,† that "the total defeating of this design is always to be reckoned one of those happy providences, for which we have much to answer". History, it must be confessed, very narrowly escaped the disagreeable task of chronicling the fact that the Union flourished but the space of one year!

The hope of a successful diversion in Scotland in the service of French policy, thus unexpectedly baffled, was not abandoned. The negotiations to this end, renewed the following year, demonstrate anew how important a factor the affairs of Scotland formed in the calculations of French statesmen, throughout the long war of the Spanish succession. This fact has escaped the notice of historians. Nevertheless, it is not too much to assert that the trend of Scottish public opinion had not a little to do with the continuance of that great struggle. The hope of dealing a blow at the power of the allies, by means of a rebellion in Scotland, was never absent from the minds of King Louis and his ministers. They listened with eagerness to the reports of the rebellious spirit of the discontented Scots. The latter, it was asserted, were more convinced than ever, that the Union was merely "a specious pretence to subject them entirely to England". The innovations in

* *Parliamentary History*, VI., pp. 762-775.
† *History*, p. 826.

the constitution of Scotland, under the pretext of making the Union "more compleat," since the attempted invasion, had intensified the general disgust. The reform of the treason laws would subject them to the jurisdiction of their old enemies, the English, in matters affecting their lives and property. The tyranny of the English Parliament had become intolerable. The old arguments were employed to prove that the fear of invasion, by creating a rush upon the Bank of England and depreciating the bills of exchequer, by which the English subsidised their allies, would land the Government in bankruptcy. If, in these circumstances, his Britannic majesty could effect a landing, a new revolution would place him on the thrones of both countries.* A second invasion was actually projected for the summer of 1710. The negotiator in this case was Captain John Ogilvie, who carried on intrigues in the Highlands during the spring. The Pretender, Leven discovered, contemplated a landing at Stonehaven in the middle of August, with four thousand men. An additional force of two thousand men was to sail from Brest, and seize Fort William. The Scottish commander-in-chief renewed his remonstrances at the deplorable state of the Scottish fortresses, and the paucity of the troops at his disposal, in case of a serious attempt. Happily, the Pretender did not give Leven an opportunity to surrender a country, which still invited an apparently easy conquest, in spite of the warning of 1708.†

* *A new Scheme in relation to Scotland, given to the King, the 1st January, 1709.—Secret History*, pp. 195-220.

† *Melville and Leven Correspondence*, I., 289-92.

CHAPTER XII.

UNCONSTITUTIONAL LEGISLATION AND INTERNATIONAL FRICTION (1709-1714).

THE reaction, which occasioned the downfall of the Whigs in 1710, was fraught with important consequences to the Union settlement. The intrigues maintained by Harley, since his dismissal from the post of secretary, to undermine the influence of the duchess of Marlborough over the queen, were carried to a triumphant issue, on the wave of popular ferment, aroused by the trial of Sacheverell. Sacheverell was a man of mediocre parts and of little weight of character; but he was fitted, by his zeal and vulgar eloquence, to inveigh with effect against Whig latitudinarianism. The toleration of dissent was an eye-sore to the staunch Churchmen, whose Toryism was growing impatient for an opportunity to assert itself, both in Church and State. In their denunciations of ecclesiastical laxity, the High Church preachers had taken their cue from the disappointed politicians, who hoped to discredit their Whig opponents by the cry of religion in danger. Harley had, in fact, adopted this expedient to regain influence and office. Sacheverell, after sermonising several years against the Whigs in vain, at length found a fitting occasion, as preacher before the lord mayor in St. Paul's, of delivering a memorable harangue against the revolution. He advocated the doctrine of non-resistance in the most outspoken strain, and called on the people to defend the Church from her pretended friends. The Tory High Churchmen magnified the importance of this insignificant philippic all the more

enthusiastically, in that Godolphin was pointedly attacked in it. Forty thousand copies of the sermon were printed and circulated. So great was the excitement aroused by it that the Government unwisely determined to interfere. They resolved, against the advice of Somers, to arraign the offender at the bar of the House of Lords, on the ground that such practices, if unrestrained, "would soon preach them out of the country". Sacheverell was prosecuted at the bar of the House of Lords on a charge of defaming the ministers, traducing the revolution, and exciting the people to rebellion. He was found guilty by a majority of seventeen, and suspended for three years. This mild sentence was interpreted by the Tories as a victory; and the populace, which during the trial had manifested a riotous spirit of partisanship, celebrated this virtual acquittal with bonfires and illuminations in all parts of the kingdom.

The doom of the Whig administration was sealed by this unlucky result. The queen, exasperated by the imperious temper of the duchess of Marlborough, and inspired by her rival, Mrs. Masham, through whom Harley had carried on his intrigues, welcomed, in this reaction, the opportunity to change her advisers. Godolphin, Somers, Sunderland, Wharton, and the more notable Whigs, were displaced by Harley, St. John, Harcourt, and Rochester. Though Harley, as lord treasurer, attempted to maintain an independent attitude, as between the two great parties, the Tories now directed the councils of the Government.*

A change, which had been brought about in vindication of High Church principles, could not fail to make itself felt as a menace, if not a declared danger, to the Union settlement. It was evident that the men, who championed non-resistance in England, would not look with favour on the dominant ecclesiastical system, which was irreconcilably antagonistic to this dogma in Scotland. Harley had been

* For these events see Cunningham's *History of Great Britain*, II., pp. 274-309. *Cf.* Coxe's *Life of Marlborough*, II.; Swift's *Memoirs;* and Leckie's *England in the Eighteenth Century*, I.

a strenuous Unionist and a professed friend of the Presbyterians, when in office in alliance with the Whigs. Harley, in association with High Churchmen like Rochester and Harcourt, would find it difficult to maintain this attitude. The men who made the Union had reason to be uneasy for the future when they saw an overwhelming Tory majority returned to Parliament as the result of the new elections, and counted among its leaders some of their staunchest opponents in the battle for the Union. That majority was swelled by a large contingent from Scotland. The Scottish elections were fought with great spirit. The Whig candidates enlarged on the fear of Popery and the Pretender, and emphasised the danger to Presbytery from a Tory majority. Their opponents made light of such spectres in their public appearances, but did their utmost, behind the scenes, to inculcate that the time was come to turn the tide for King James, and dissolve the Union. Queensberry, being retained in his office of secretary by the interest of his friend Rochester, and as a reward for his desertion of his former patron, Godolphin,* kept aloof; but such antagonists of pre-Unionist days as Hamilton and Argyle, the latter of whom had quarrelled with Marlborough, co-operated actively in support of Government candidates. In the county of Edinburgh a desperate but unsuccessful battle was maintained by the Whigs against the candidature of Lockhart, who was returned by a large majority. In other constituencies, such as Stirling and Fife, the same results were achieved, in spite of special efforts put forth by the Whig candidates. Two-thirds of the elections were carried by the Tories. The Government took care that the Scottish peers elected should follow their lead. They adopted the practice of sending down a list of acceptable candidates—a practice long followed†—and thus virtually made the selection. There was a good deal of grumbling that a clean sweep of the Whig officials was not made, to

* Cunningham's *History of Great Britain*, II., pp. 281, 299.

† See letter of Roxburgh in *Arniston Memoirs* (Omond), pp. 61-63.

open the way for Tory aspirants to place and power. Harley managed to restore contentment by representing the bad policy of fanning the enmity of the Whigs, and thus increasing the difficulty of settling a peace. Lockhart, who relates the suspicious tactics of the new lord treasurer, had every reason to be his apologist, for he was chosen one of the commissioners to inquire into the Whig administration, and found a congenial pastime in exposing its financial delinquencies and gratifying his anti-Unionist resentment.*

The apprehensions of the Presbyterians, as to the stability of the Union settlement, were not long in receiving practical justification. The English High Churchmen might inveigh against the iniquity of tolerating dissent in England; they soon discovered plausible reasons why it should be protected in Scotland. The Scottish Parliament had, in the Session of 1703, given decisive proof of the national intolerance of Episcopacy. To enlightened men like Fletcher, the vote had appeared narrow and mistaken, on grounds which the religious convictions of that day were unable to appreciate. The Presbyterians held fast to the principle that Prelacy in Scotland was incompatible with liberty, and refused the constitutional sanction of toleration. The notion was extremely unchristian and illiberal, judged by the larger standpoint of our time; but it is unquestionable that the Episcopal clergy were uncompromisingly hostile to the principles of the revolution, and active adherents of the Pretender.† The refusal of toleration had, it is true, served to intensify their hatred of the revolution. They had refused to take the oath of abjuration, and to pray for the queen and the Princess Sophia. When they mentioned the royal family in their invocations, it was no secret that they intended the Pretender to receive the benefit of their prayers. Their aversion to the Union had begotten a temporary compro-

* *Papers*, I., pp. 322-325.

† Grub, *Ecclesiastical History of Scotland*, III., pp. 314-315.

mise between Episcopalian and Cameronian, the zealot of Presbyterianism. They had shared between them the riotous opposition to this measure. But co-operation was ultimately found impossible, and was incompatible with the tenacity with which both sides maintained their respective principles. The conviction of the Presbyterians was that Scotland was too small for both. However regrettable the fact, it was at least explicable so long as the exiled representative of absolute monarchy claimed the secret allegiance of the Jacobites.

The uncompromising spirit of the Presbyterians is strikingly illustrated by an incident, which gave renewed occasion to the Scots to regret that the House of Lords had taken the place of their own Parliament, as the highest court of appeal. An Episcopal clergyman, named Greenshields, who had been ordained by Bishop Ramsay, of Ross, and held a cure in Ireland for some years, returned to Scotland in 1709, and set up a meeting-house at Edinburgh. He made use of the liturgy of the Church of England. His reason for using the English prayer-book was, that his congregation was largely composed of English families, who had settled in the Scottish capital after the Union. This departure was held to be a contravention of an Act passed by the General Assembly of 1707, against innovations in worship, in order to restrain the increasing tendency among Scottish Episcopalians to adopt the English liturgy.* Greenshields was called to account by the Presbytery of Edinburgh. He refused to own their jurisdiction, and was prohibited from exercising his clerical functions. The Presbytery called on the magistrates to enforce the prohibition. The magistrates threatened Greenshields with imprisonment, if he continued contumacious. On the following Sunday he conducted service in the usual manner, and was accordingly thrown into prison. He appealed to the Court of Session, claiming

* Grub, *Ecclesiastical History*, III., pp. 359-361.

that, being a qualified Episcopal clergyman, he ought to be allowed to conduct the services of his meeting-house, according to the Episcopal form. The judges refused to acknowledge this plea, resting their decision chiefly on the fact that he had received ordination from an "exauctorated" bishop. According to one of them, such a functionary, who was unknown to the law, "had no more power to ordain a man, than a deposed colonel or captain of horse had to give commissions to subalterns". Greenshields appealed to the House of Lords; and being released from prison, after a confinement of seven months, proceeded to London to prosecute his appeal in person. His suit was supported by the Scottish Tory members of both Houses. Harley, apprehensive of giving offence to the Presbyterians, procrastinated. Lockhart plied him with arguments in favour of pressing a decision, and did not hesitate to affirm that the Presbyterians "preached and prayed against him *nominatim*, giving him over to the gallows and the devil from their pulpits". The duke of Hamilton, and several other Scottish lords, urged the claims of policy; but the House of Lords was not to be deterred from asserting the justice of Mr. Greenshields' contentions, and reversed the decision of the Court of Session, with costs against the city of Edinburgh.*

This decision was resented as an infringement of the privileges guaranteed by treaty to the Church. It was regarded as the prelude to still more serious encroachment. The discussions of the case had brought the question of toleration into prominence. The action of the Presbytery of Edinburgh and the Court of Session was construed into an argument in favour of extending the same benefits to the Scottish Episcopalians as the dissenters enjoyed in England. So intense was the intolerance with which many of the Presbyterians guarded the privileges of the established Church, that they raised a loud outcry over the use of the

* *Lockhart Papers*, I., p. 347. See *Letter from a Scots Gentleman in London to his Friend in Edinburgh.—Papers*, I., pp. 520-29.

English liturgy, by the chaplains of English regiments stationed in Scotland, and inveighed with indiscriminating zeal against the Church of England itself. This impolitic narrowness called forth remonstrances from English Whigs to Carstares; and some of their letters contain severe remarks against the inquisitorial spirit of Presbytery. That their indignation was not unfounded is demonstrated by the protest of an English officer at Edinburgh. "I was all my life a moderate man as to the dispute between the two grand parties, and could at any time have heard a good sermon from either; but, really, I have seen so much violence and inveteracy from the Presbyterian party here, against the Church of England in particular, and nation in general, that it almost turns my stomach; and, if anything makes me a high-flier, it will be the unreasonable bitter invectives, and prodigious imprecations, which I have, with my own ears, heard from some too zealous Presbyterian clergy, in their pulpits here, against the Church of England. I wish they would manage with more Christian moderation; for, while both parties run so high, we can never expect an union in all its parts. Though our chaplain was here, yet he was not suffered to preach; which is what we were never denied in the most rigid Roman Catholic countries. The Episcopal party here being suppressed, or disaffected to the Government, and most of their clergy refusing to pray for our gracious queen Anne, so palls my inclination towards them, that, for the future, I resolve to stay at home, and pray in private; or, at least, make a congregation of my own company, and pray with, and for them, till God is pleased to send a better and more public spirit into mankind." *

The victory of Greenshields was followed by a more stringent application in Scotland of the laws against dissent. Sir James Stewart, reinstalled in the office of lord advocate, in place of Sir David Dalrymple, in the autumn of 1711,

* *Letter from an English Officer at Edinburgh to his Friend in England.—Carstares Papers*, pp. 783-84.

renewed the persecution against the Episcopalian clergy, who had shown more boldness and activity in opening additional meeting places after the downfall of the Whigs. Riots, in which heads were bruised, and even blood shed, broke out in the north and south-west. Some of the Episcopal chapels were shut up, and their incumbents threatened with imprisonment. Sir James forbade the earl of Marischal's chaplain to officiate to a number of the citizens of Aberdeen in his lordship's house, and encouraged the Presbytery to proceed against him for using innovations in worship. His command to the lord provost of Edinburgh to shut up all the Episcopal meeting-houses in the city was met by a refusal, though he supported the order with the reason, that the clergy refused to pray for the queen. Complaint was made, on the other hand, of the lawless intolerance of the more rigid Presbyterians. The Cameronians, it was pointed out, threatened to enforce their arguments against the earl of Carnwath's defiant Episcopacy, by turning him and his lady out of their house.*

These incidents stirred the eloquence of staunch Episcopalians like Lockhart. They reminded the dominant political party that while the Presbyterians were hostile to their policy, and used their pulpits to denounce the proposed peace, their opponents had all along suffered persecution for the principles represented by the Tories. They denounced the Presbyterians as an insignificant minority, rashly pointing to the presence of the Tory majority from Scotland as an evidence of the fact. Should the supporters of the Church of England continue to countenance the intolerance of those who prayed God continually in their public worship to overthrow "that idolatrous, superstitious whore of Babylon"? Lockhart was the leading spirit of a small knot of ardent Scottish

* *Letter from a Gentleman in Edinburgh to his Friend in London, 19th Nov.*, 1711.—*Lockhart Papers*, I., pp. 549-61; *cf. Wodrow Correspondence*, 218, etc.

members, who entered into a compact to ply the Government with arguments like these. They prepared a bill to enact a toleration in Scotland during the Session of 1711; but stress of business, and the unwillingness of the lord treasurer to risk the odium of such a measure, contributed to defeat the design.*

They returned to the charge at the commencement of the Session of 1712, and succeeded in working up a majority in both Houses in favour of an Act of Toleration, in spite of the reluctance of Harley to excite the resentment of the Presbyterians. With the main contentions of the bill only arrogant or ignorant bigotry could find fault. It declared it "to be free and lawful for all those of the Episcopal communion, in that part of Great Britain called Scotland, to meet for the exercise of Divine worship, to be performed after their own manner by pastors, ordained by a Protestant bishop, and to use in their congregations the liturgy of the Church of England, if they think fit, without any let, hindrance, or disturbance from any person whatsoever". Another clause, exempting Episcopalians from the jurisdiction of the Established Church, was received with the cry that it would augment immorality and irreligion by removing Episcopal delinquents from the supervision of the ecclesiastical courts. Every reprobate, it was predicted, would now turn Episcopalian, and employ the law to cover his lawless conduct.

The framers of the bill were not content to exact protection for the Episcopal clergy from the courts of the Established Church and their servants, the civil magistrates. They did not stop at demanding freedom of conscience. They gave the measure a political bearing, which could not fail to probe the susceptible convictions of the Presbyterians. They added a clause, providing that both the Episcopal and Presbyterian clergy should take the oath of abjuration, and should pray, during Divine service, for the

* *Lockhart Papers*, I., pp. 338-340.

queen and the Princess Sophia. To the latter, the legal protection of Episcopacy was in itself distasteful enough, especially as the treaty of Union had guaranteed the monopoly of Presbytery "as the only Church of Christ within this kingdom". It was rendered unspeakably more so by being accompanied by what they considered as an undue interference with their spiritual independence. Here was the State dictating to Christ's ministers the manner in which they should conduct public worship by commanding them to pray for the representatives of the State! The State, it might be said, might reasonably expect this service in return for its patronage of the Church. But to the Presbyterian conscience it appeared an encroachment on the Headship of Christ to command the benefit of intercession. They were not asked, it is true, to pray against their convictions; for the Presbyterian ministers were warm adherents of the Revolution settlement and the Hanoverian succession. But it was a fundamental of their system that the Church was independent of the State in things religious, while they claimed the services of the civil magistrate in confirming the judgments of the ecclesiastical courts. The same objection attached to the injunction to take the oath of abjuration, as implying that the exercise of their spiritual functions was dependent on an ordinance of the State.

The State, cried the ministers, has no right to exact subscription to an oath from the servants of the Church, as if they were the mere servants of the Crown. Moreover, it laboured under the additional objection of seeming to place the established clergy on the same level with those of a dissenting Church. This was too much for even the regenerated nature of the Presbyterian pastor. The wrath of the ministers and their flocks was heated to boiling pitch, when it was discovered that the oath virtually required them to swear their allegiance to a sovereign, who must be in communion with the Church of England! To the Presbyterian conscience, this was

equivalent to swearing a profession of Prelacy. It was a breach of that provision of the treaty of Union, securing the Presbyterian creed and Church government, and exempting the members of the Church of Scotland from taking any oath inconsistent with the principles of the national establishment. It was, therefore, an infraction of the Union, and might be interpreted into an insidious attempt to magnify the Church of England at the expense of that of Scotland. It showed, at all events, a want of understanding of the feelings and institutions of Scotsmen, which has, strangely enough, been a characteristic of Englishmen, even after they were no longer entitled to plead the excuse of ignorance. To the superior Briton of the south, Scotland has too often appeared as a sort of half-civilised country, which ought to be thankful for the boon of receiving enlightenment, in things political as well as religious, from its patronising neighbour!

On this occasion, Scotland was not disposed to receive this gracious recognition without a vigorous protest. These and other objections were urged by a deputation of the General Assembly, headed by Carstares. Both Houses of Parliament proving inexorable, Carstares proposed to obviate the scruples of his co-religionists by altering the word "as," in the clause of the oath of abjuration, referring to the Act limiting the succession, into "which". The Presbyterian subscriber might without demur swear allegiance to the successor, who was limited to the communion of the Church of England, if the reference to that Act was couched in a narrative or historical sense, and not in terms that seemed to infer the profession of his personal religious belief. This nice difference would, it was thought, be preserved by the change of the conjunctive into the relative; and would, at least, modify the strength of the Presbyterian outcry.

The Lords accepted the amendment, and sent the bill, thus altered, back to the Commons. The Scottish Episcopalians, who objected to the oath of abjuration on more

weighty political grounds, perceived that this manœuvre would ease the Presbyterians, while still exposing them to legal proceedings, on account of their objection to take the oath in any form. They saw that if they could pass the bill in a form objectionable to the Presbyterians, they would the better screen themselves from the consequences of refusing to subscribe. The Government would not, on grounds of policy, be over minute in exacting an oath that would give umbrage to both religious parties. The Presbyterians, however, might be trusted to foment the prosecution of their opponents, if their own conscientious scruples were obviated. Lockhart and his friends, therefore, insisted on retaining the clause in its original form. The bill was sent back to the Lords, with the alteration struck out, and passed on the 26th February, 1712.*

The Act, which might fairly be interpreted as an infraction of the treaty rights of the Church of Scotland, was the forerunner of another, still more obnoxious. Lockhart and his associates determined to improve their advantage, and still further mortify the Whigs and the Presbyterians. They brought in a bill for the restoration of patronage in the Church of Scotland. The Scots had still more reason in this instance to tremble for the guarantees, which they claimed for their ecclesiastical system, in virtue of the treaty of Union. Among the ecclesiastical Acts, which that treaty had sanctioned "for ever," was one which had abolished the rights of patrons in the beginning of William's reign. The deputies of the Church in London took alarm when they saw the Patronage Bill pass the House of Commons, after a short debate, on the 7th April. They presented a petition against it to the House of Lords. In deference to their scruples about recognising the jurisdiction of the bishops, they impoliticly addressed it to the Peers of Great Britain. The Lords refused to receive it in this form, and requested the peti-

* Burnet, *History*, pp. 881-2; *Lockhart Papers*, I., pp. 378-385; *Blackwell's Letters*, *Spalding Miscellany*, p. 197, etc.

tioners to address them as "the Lords Temporal and Spiritual". They were obliged to comply, or waive the hope of interposing to stop the bill. They chose the former alternative, and regretted, when too late, the false step which brought upon them this public rebuff. The measure, they contended, was contrary to the constitution of the Church, which had accounted patronage a grievance and a burden since the Reformation. Though it had been restored with Episcopacy in 1661, it had been finally abolished in 1690 by the Scottish Parliament, which established the Presbyterian Church Government. This Act had been expressly declared unalterable, and, as included in the security guaranteed in 1707, to the Church, must be regarded as an essential part of the ecclesiastical constitution, ratified by that treaty. They condemned the bill, as fitted to excite strife in the Church, and encourage abuses in the disposal of benefices, and submitted that a measure, so objectionable in practice, and so palpably an infraction of one of the fundamental articles of the Union, should not receive their approval. The supporters of the measure denied that the Act abolishing patronage was included in the Union settlement. It was in truth no essential part of the Presbyterian system, as the vicissitudes of its history had proved. Even granting this, the compensation decreed by this Act to the patrons in return for the deprivation of their rights, had only been paid in a very few cases; consequently, they were still entitled to the exercise of these rights. They denied that popular election really existed, since the abolition of patronage merely transferred these rights from the patron to the heritors and the Kirk Session. What fear could there be of popular ferments over a change which robbed the people of no real privilege, and which would encroach on the monopoly of selection exercised in effect by the Presbytery?* Such arguments outweighed the force of the statement, which

* *Remarks upon the Representation made by the Kirk of Scotland concerning Patronage.—Carstares Papers*, pp. 798-800.

Carstares drew up, both with more exact knowledge, and greater command of temper. A large majority sent the bill with slight amendments back to the Commons, who expressed their concurrence. It received the royal assent on the 22nd May, in spite of a second petition to the queen against it.*

These two Acts did not drop into the heated arena of Scottish ecclesiastical life without sensible effects. The Episcopal clergy, while they enjoyed the afflictions of their opponents, could not comfort themselves over a victory. As staunch adherents of the Pretender, the majority of them were deprived by their political principles of sharing in the benefits of a toleration, qualified by an oath of abjuration. The greater number of the Presbyterian ministers bowed to the inevitable. They took the oath and accepted patronage, however deeply they resented the terms of both. Carstares and his co-presbyters adopted the expedient of murmuring an inaudible declaration of the fact, that they swore allegiance under protest. The Assembly, in an address to the queen, lamented this legislation "as grievous and prejudicial to this Church," and expressed the hope that their grievances "might come in due time and manner to be redressed". But the majority persuaded itself to submit to the inevitable. The sterner ecclesiasticism of a small minority found expression in a determination not to surrender. Like the Episcopal clergy, they earned the epithet of nonjurors, or "the nons," as their more elastic brethren nicknamed them. Their strength lay among the Cameronians, who formally seceded from the Church of Scotland, and gave vent, in their turgid testimonies against Prelatic and Erastian backslidings, to their unabated aversion towards the Union, and its iniquitous fruits.

* *Parliamentary History*, VI., pp. 1126-1129; *Lockhart Papers*, pp. 385-6; Burnet, p. 882. *Cf. Compendium of the Laws of the Church of Scotland*, pp. 373-4; Cunningham's *Church History of Scotland*, II., pp. 232-36.

In worldly matters, the British Parliament had further shaken the confidence of even the staunchest supporters of the treaty, by laying additional duties on Scottish manufactures. During the Session of 1711, Scotland was set a grumbling over a bill to impose a duty for thirty-two years on all linen cloth exported from Great Britain. The grievance of the Scots lay in the fact that this article formed the staple manufacture of Scotland, as woollen cloth did that of England. The tax would consequently fall chiefly on Scotland. The Scottish members contended, not unreasonably, that articles of linen manufacture should enjoy the same exemption and encouragement as were bestowed on English woollen commodities. The bill gave rise to acrimonious debates, during which Lockhart and others indulged in some plain speaking at the expense of the Union. Harley brought upon himself the indignation of both sections of the Scottish members by unguardedly betraying the dominant feeling, in the minds of Englishmen, in regard to that great transaction. "Have not we," he demanded, pointing to the English members, "bought the Scots, and may we not claim the right to tax them? For what end, pray, did we give the equivalent?" The question roused in Lockhart the old spirit of partisanship, which he had displayed on the floor of the Parliament House. He caught the opportunity to preach a homily on the untoward fate of his country. He chose to interpret the words of the lord treasurer into a confirmation of his conviction, that Scotland had been sold for English gold, and held up to ridicule the implicit faith of his countrymen in English honour and justice. In the fourteenth article of the treaty they had the solemn assurance that in the imposition of taxes due regard would be had to the circumstances and ability of every part of the United Kingdom. Here was an evident attempt to evade a treaty obligation. Instead of sparing the staple manufacture of a poor country, by at least dividing the duty between English woollen and Scottish linen goods, the Scottish manufacturer must be

sacrificed to save the English exporter. "The equivalent," he indignantly added, "was no proof of English generosity to Scotland, since it was only a fair compensation for the gain to the English revenue by the operation of the treaty." Lockhart, Baillie of Jerviswood, and others, inveighed to no purpose. The bill passed, with the slight mitigation that took into account the difference between the Scottish and the English measurements.*

The Scots were more successful in resisting a proposal to allow the export of Scottish yarn to Ireland for the encouragement of the Irish linen trade. They opposed it on the ground that, as the English Parliament had formerly conceded to the Irish the privilege of exporting linen cloth to the Colonies duty free, for a term of years, any proposal to furnish the Irish with the raw material from Scotland, must ruin the Scottish linen industry, by enabling them to undersell the Scots in the colonial markets. Moreover, the Scottish law prohibiting the export of yarn to Ireland was still in force. "Scottish laws, forsooth!" exclaimed an English member. "Is not Scotland subject to the sovereignty of England, and henceforth to be governed according to English maxims? Is Ireland to be ruined to humour a few obstructive members from the north?" "Order, order!" resounded from a score of angry Scottish throats. Lockhart sprang to his feet in a passion to repel the assertion of subjection. "Scotland," he cried, "never was, and never will be, subject to England." The Union had destroyed English, as well as Scottish, independence. There could now be no other sovereignty than that of Great Britain. He reprobated the practice of talking of the trade, the liberty, the sovereignty of England, which, he was willing to believe, might, in many cases, arise from custom or inadvertence. But it seemed as if there was a conviction in the minds of some that England constituted Great Britain, and that the interest and prestige of Scotland

* The English piece was forty yards long, and the Scottish but ten, and the amount of duty was rated proportionally.

were of as little significance as those of an English county. The Commons showed their appreciation of this vindication by letting the Scots have their way, and sent the bill to the Lords with the prohibitive clause intact. The Irish peers succeeded in expunging it, on the plea that Ireland should not suffer in its interests for the sake of what, as the earl of Sunderland put it, "is to be reckoned a countie of Britain". The Scots, thoroughly aroused, practised the tactics of obstruction so successfully in the Lower House, that the bill was let fall for the present. They had, however, to regret the rejection of a bill to give the same encouragement to naval stores brought from Scotland to England, as in the case of those imported from America. The Scottish forests might, they contended, yield trees as good as those of America, if the Government would make passable roads into the mountainous regions. This the Government did not see fit to undertake, and chose rather to pay the additional cost of freights on cargoes from the other side of the Atlantic.*

Another grievance was confined to the select circle of the Scottish peers. The duke of Hamilton, having been made a peer of Great Britain, claimed a seat in the House of Lords, in virtue of his title of duke of Brandon. The English peers, apprehensive of an invasion of their order by the Scots, refused to admit his claim. The jealousy which had appeared on the admission of the duke of Queensberry was inflamed anew. The old argument was repeated that the presence of more than sixteen Scotsmen in the House of Lords was an infringement of the share of representatives allowed to Scotland by the twenty-second article of the Union. This argument cut two ways. If the peers of Scottish birth in the House of Lords could not legally be increased by creating Scottish noblemen peers of Great Britain, no more could the English pro-

* *Lockhart Papers*, pp. 326-338. *Cf. Letter from a Scots Gentleman residing in England to his Friend in Edinburgh, June*, 1711.—Lockhart, I., pp. 529-548.

portion be enlarged by the creation of new titles. If, on the other hand, the right of her majesty to add to the number of English peers was undisputed, there could be no valid objection, in an united kingdom, to the claim of Scotsmen to a share of such honours. A British peer, as such, knew no distinction of Scottish or English nationality. The objection to Scotsmen, on account of their nationality, was a mere cavil, since they did not represent Scotland in their capacity of legislators, and had not even a vote in the election of Scottish peers. The refusal of the duke's claim * savoured of national prejudice, and was undoubtedly both unjust and unconstitutional. It was one of the few acts of deliberate partiality to the detriment of Scotland, incident to the operation of the new *régime*. The Scottish peers resented it, as an insult to their nationality, and presented a petition to the queen, complaining of the action of the majority as a breach of the Union. They resolved to secede from a body that refused to do them justice, and only yielded, after several days' absence from the debates of the House, to the urgent solicitation of the Government not to withdraw their support. Their stubbornness was also weakened by the self-seeking spirit of the earls of Mar and Kinnoul, who, consulting their private interests rather than the honour of their order and their country, broke away from their colleagues in the course of the quarrel.† The Government adopted a drastic method of expressing its disapprobation of this adverse vote, and at the same time of securing a majority in the Upper House. Twelve new peers were created at one sweep. Viewed in the light of this result, the resistance of the Whigs to the duke's patent takes on the aspect of an unsuccessful party manœuvre to

* It was not till seventy years later that the duke's claim, revived by one of his descendants, was admitted, and this odious jealousy departed from. See Wight's *Rise and Progress of Parliament, chiefly in Scotland.*

† Cunningham, *History of Great Britain*, II., 400, who says that Mar was scheming to obtain the office of Scottish secretary, in succession to Queensberry.

defeat the design of the Tories to swamp their majority, and may claim this justification from the party, though not from the national, point of view.

The aversion to the Union reached high-water mark during the following Session. The debate on the Malt Bill revealed the fact, that even the authors of the treaty had come to regard their own creation with distrust and dislike. The unwise policy of prematurely increasing Scottish taxation had culminated in a proposal to extend the duty on malt, from which Scotland had been exempted by the fourteenth article, during the continuance of the war, to the whole of Great Britain. The efforts of the Harley ministry to negotiate a separate peace with France had at length come to a successful issue. The close of the war left the Treasury sorely exhausted. To replenish it, it was resolved to impose the English duty on malt made in Scotland. The Scots offered a resolute resistance to the Bill. They claimed, in the first place, that the expedient was unconstitutional. The peace might be agreed to, but it was not yet proclaimed. Till that was done, the war was presumed to continue. Even supposing this condition fulfilled, the imposition would still be a contravention of the treaty; for the money to be derived from the malt tax was to be appropriated in paying the expenses of the war, contracted during the year previous to its conclusion. They held that, in any case, the inability of Scotland to bear such an increase of taxation ought to entitle it to a continuance of the exemption. The fourteenth article contained the assurance that taxation would be in proportion to ability. Besides, the tax would be an intolerable hardship on the Scottish landowner, whose rents were paid in kind, of which barley formed a not inconsiderable part. It must raise the price of ale, and by depriving the people of their drink, ruin the brewer as well as the landowner. The English members failed to see why one part of the United Kingdom should be exempted more than another. Scotland had

enjoyed exemption for six years, and might be thankful. They forgot that a stipulation in a treaty could not be fairly regarded as a favour, especially since this stipulation had materially contributed to reconcile the Scots to the measure. An amendment was proposed to make the amount of duty for Scotland, threepence, instead of sixpence per bushel. It was pointed out, in justification, that the Scottish malt was sold at a third of the price obtained in England, and was of much inferior strength. The Welsh and north of England members asserted the right of their constituents to the same abatement; and the amendment was vetoed in consequence. The English members met the earnest protestations of the Scots with impatient cries for the question. Several animated encounters took place before the bill received a third reading, on the 22nd May, by 197 votes to 52. Lockhart noted with indignation that both the English political parties united in this demonstration of national bitterness.*

The overbearing spirit of the English intensified the patriotism of the Scots. They saw in the measure alike the ruin and the subjection of their country, by an inconsiderate and tyrannic English majority. They feared that, now that peace was concluded, England, undeterred by the fear of a foreign enemy, might impose the most disastrous measures upon Scotland. The old opponents of the Union saw all their objections confirmed; its friends were forced to confess that their expectations had been completely disappointed, and complained that their confidence had been misplaced. Lockhart quickly perceived the advantage of the situation in strengthening the Jacobite cause in Scotland. Ever since the Union, he and his friends had taken every opportunity to cultivate the public opinion of Scotland by the publication of a series of papers, in which the various measures affecting Scotland were criticised at the expense of the treaty. They had strenuously advocated toleration

* *Papers*, I., p. 416.

and patronage, partly with a view to disgust the Presbyterians with the new political system. They now saw a favourable chance of making a bid for popularity in the interest of the Pretender, as much as in that of their country. They came to the conclusion that it would be both a politic and patriotic step to negotiate, at this juncture, for the dissolution of the Union. They resolved to broach the subject at a meeting of all the Scottish members, trusting to their resentment and their patriotism to secure their adherence. Lockhart, as spokesman, enlarged on the bad usage they had met with in all their efforts on behalf of the interests of Scotland, and emphasised the inevitable ruin with which their country was threatened. Scotland, he declared, had reaped no commercial advantages by the Union, whilst it had been further impoverished by the increase of taxation and by the drain on its finances, caused by the residence of so many Scotsmen in London. He waxed warm in denunciation of English haughtiness and partiality, and exhorted his compatriots to throw off this unworthy servitude. He then proposed the dissolution of the Union, as the only expedient fitted to save their country. He made this proposal, with every profession of respect for the integrity of those who had supported the treaty, on patriotic grounds, and solemnly declared, on his honour, that he was willing to bury past animosities, and join heartily with any party that would concur in carrying out this policy. To obviate contention, he went the length, in glaring contradiction to the secret principles of his party, of offering to accept the Hanoverian succession! All present signified their approval, though the Whig members seemed reluctant to apply so desperate a remedy. On the motion of Baillie of Jerviswood, it was agreed to invite the Scottish peers to a second conference on the subject. Harley, now earl of Oxford, scented mischief, and sent for Lockhart. He reproached him for his conduct in trying to embarrass the Government, and threatened him with the resentment of the queen and her advisers. Lockhart stood his ground. The Scottish people,

he replied, had no reasons to expect any favours from either. He had sufficient courage, he hoped, to suffer any personal consequences. He remained equally firm against the expostulations of the speaker, Mr. Bromley, and others, who argued that Parliament had no power to alter its constitution. Defoe's contention thus turns up again. It had no weight with the resolute Scots. Lockhart retorted that a Parliament that had more than once infringed the articles of the Union, could not well make use of such an argument. If Parliament had no power, on this ground, to dissolve the Union, neither the English nor the Scottish Parliament had any right to make it. Mr. Bromley disclaimed any love for the Union, but insisted that the English would not let Scotland slip, now that they had their unmanageable neighbours in their power. Lockhart's persistence, he hinted, might land him in the Tower. Lockhart contemplated the prospect with equanimity. Such a fate, he remarked, would be the best means of intensifying the opposition of the Scots.

At a second conference, the Scottish peers signified their adhesion to the resolution of the Commons. The duke of Argyle, who, though sitting as an English peer, was present to show his hearty support of the scheme, expressed his disappointment with the working of the Union, and promised his earnest support to the bill for its dissolution. The singular unanimity of Scottish opinion in its favour, contrasting so strikingly with the fierce contentions on the floor of the Parliament House, but six years before, is evidenced by the fact that the earl of Mar supported the duke's arguments. Mar had become Scottish secretary on the death of Queensberry, and his supreme influence in the administration of Scotland had excited the jealousy of Argyle. Lockhart suspected that the duke's eagerness was secretly actuated by a desire "to break an egg in the earl of Mar's pocket". Mar disappointed this manœuvre by appearing equally hearty towards the project. Some of the more cautious Whigs

would have preferred to temporise, but they were unable to resist the strength of public feeling in Scotland, where the scheme was greeted with every mark of popularity. An important discussion arose on the measures to be adopted in case the bill was thrown out, but it was agreed to postpone the consideration of alternative action for the present.

In order to conciliate the royal patronage, and disarm any suggestion of sedition, it was resolved to send a deputation, consisting of Argyle, Mar, Cockburn, and Lockhart, to explain their action to the queen. The deputation repaired forthwith to Kensington. The earl of Oxford, having been informed of the design, had preceded them, and prepared them rather a testy reception. After listening to Argyle and Mar's explanations, the queen burst out: "This is a precipitate resolution, and I wish you may not have reason to repent it. I shall endeavour, however, to make all things easy." The Scots resolved to proceed, notwithstanding this reproof. They agreed to begin in the House of Lords, on the ground that there was more likelihood of securing a majority by a possible combination with the Whigs. They exerted themselves to bring about a coalition. The Whigs coquetted with the malcontents, in the hope of ousting their rivals, without committing themselves as a party.

Seafield, now earl of Findlater, was chosen to move the motion for leave to bring in a bill to dissolve the Union and secure the succession in the House of Hanover. The ex-chancellor was not quite happy over a distinction, which would oblige him to unsay much that he had said in the Scots Parliament; and Lockhart noted, with vindictive pleasure, the uneasiness with which he rose to perform his unwelcome function on the 1st June. He apologised profusely for his presumption, but made out, in rather a halting fashion, a pretty strong case for the demand of his compatriots. He enumerated the grievances of the Scottish people, which comprised the

abolition of the Privy Council, the extension of the English treason laws to Scotland, the refusal to recognise the titles of Scotsmen who had been made British peers, and the imposition of the malt duty. He, therefore, moved that, as the Union had not yielded the good effects expected of it, it be dissolved, subject to the maintenance of the Protestant succession, and the queen's prerogative in both kingdoms. The motion was seconded by the earl of Mar. A long debate ensued. Lord North contended that the complaints of the Scots were groundless, and characterised the idea of dissolving the Union as impracticable. The earl of Peterborough compared the Union to a marriage, and, pursuing the simile, held it to be indissoluble. A divorce was possible, but a mere difference of opinion need not lead to the breaking of the marriage tie. England, which might be presumed to be the husband, in this national marriage, might have been guilty of some unkindness to the lady; but the lady was not therefore entitled to seek a separation, particularly as she had greatly mended her fortune by the match. The earl of Islay interrupted to ridicule the use of such a simile; but Peterborough failed to see how any engagement could be more solemnly binding than this contract, unless it came down from heaven, like the Ten Commandments! The Scots, he added, in conclusion, were insatiable. They claimed all the advantages of union, but would not submit to pay anything in return, although they had obtained more money from England than the value of all the estates in their country. The duke of Argyle threw himself into the strife with all the energy and plainspokenness of the dashing soldier. He repelled with warmth the insinuation that he had changed his politics from disgust at the disappointment of his personal ambition. He acknowledged the active share he had taken in bringing about the Union. His principal motive had been the security of the Protestant succession. He was satisfied that the passing of such a bill would not affect the succession, and

was convinced that it was in the interest both of Scotland and England. He spoke as a peer of both countries, and if the motion was rejected, he could not long expect to have property in the one, or liberty in the other. The malt duty, he insisted, constituted as great an inequality and injustice as if they were to propose to tax land by the acre, which was worth £6 in the neighbourhood of London, and not as many shillings in some parts of the country. While English malt fetched three to four shillings a bushel, the same quantity was not worth more than one shilling in Scotland. A tax, founded on such an inequality, and involving the greatest hardship to the landowner, brewer, and common people, would, he predicted, have to be collected by a regiment of dragoons. The earl of Oxford harped on the constitutional impossibility of a dissolution. It could only be brought about by the power that created the united Parliament. He suggested that a less revolutionary means of redress might be sought for the grievances complained of. Nottingham, who in the singular evolution of party politics, characteristic of the reign of Queen Anne, had become an ally of the Whigs, controverted the lord treasurer's reasonings. He contended that, the powers of the respective Parliaments being lodged in the united Legislature, that Legislature could legally dissolve the Union! The Scots were the best judges of what was for the advantage of their country. Sunderland and Halifax expressed agreement with these views. Other speakers pointed out that the animosities between the two nations were at a greater height now than before the Union, and pleaded that separation was the only remedy. Some persons agreed better when they were asunder, than when they were together.

Viscount Townshend put in a caveat against rashly committing themselves, without a guarantee that the Protestant succession should be amply secured. This was a reasonable precaution, and was justified by the secret design of the Jacobites of using the measure as a handle

for the restoration of the exiled son of James II.* The Scots replied that they were prepared to offer this guarantee, when the Bill was under discussion. Halifax and Nottingham emphasised the importance of full consideration in the interest of monarchy and religion, and suggested delay. In this suggestion the earls of Loudon and Mar professed acquiescence. On putting the question, the vote was found to be equal, fifty-four being for the motion, and the same number against it. It was decided against by a majority of four on the proxies, which stood in the proportion of seventeen to thirteen.

Eight days later the Malt Bill, as it was called, passed through a heated debate by a similarly small majority of eight. It narrowly escaped defeat on the second reading, when the majority was only two. Among the protesters were five English and all the Scottish peers, with the exception of two, who were absent. The protests of the Scottish people would probably have been more forcible than that of a Parliamentary document, setting forth the reasons of dissent. The Government prevented the exasperation of the Scots from breaking out in riotous defiance by waiving the collection. It was not till ten years later that Scotland resounded with tumult over the partial enforcement of the law.†

Another attack upon the Union, more virulent though less formidable, came from the English side. The aggressor was no less a political controversialist than Dean Swift. The dean fell foul of a tract, called *The Crisis*, published under the name of Sir Richard Steele. It was a defence of the Union, and a plea for a generous treatment of the Scots, on the ground that they had practically deprived themselves of their independence and of the power to redress their wrongs. Swift replied, with a

* *Letter from a Tory Member to his Friend in the Country.*—Rae, *History of the Rebellion*, p. 34.

† *Parliamentary History*, VI., pp. 1214-1220. *Lockhart Papers*, I., pp. 414-437. Burnet, pp. 897-898.

cutting attack on the Union, in a pamphlet entitled, *The Public Spirit of the Whigs set forth in their Encouragement of the Author of "The Crisis"*. He devoted all the venom of his satiric pen to throw odium on the policy of the opponents of Oxford and Bolingbroke. He reviewed that policy since the revolution, and inveighed, not only against the Union, but against the Scottish people and their representatives, in that strain of offensive abuse, in which it was his custom to indulge, like Johnson at a later time, in reference to Scotland and Scottish history. His performance reminds of the effusions of those irate pamphleteers that made cruel sport of the luckless Defoe, and other Unionist champions. Shortly after the opening of the newly-elected Parliament in 1714, lord Wharton called the attention of the House of Lords to this scandalous libel. The passage signalled out for special animadversion was that in which the author indulged in this reckless vituperation of the Union and the Scots. Swift harked back to the negotiations of the seventeenth century, when the overtures of the Scots for a more complete union were rejected "with indignation and contempt by the English". So infamous a proposal, he assures us, failed to commend itself to even the corrupt Court and Parliament of James I.! England could never obtain a single advantage from such a measure, and would never have consented to it, had it not been deemed dangerous to leave a "poor, fierce, northern people at liberty to put themselves under a different king". He referred in equally contemptuous terms to the framers of the Union, accusing Godolphin and Queensberry of corruption and mismanagement. It was this evil soil that had produced the bitter fruits of the Union. He did not fail to point out the irony of the late debate, which had displayed the authors of the measure carping at their own handiwork. Then followed a cutting onslaught on the Scottish nobility. The nobles of that country were so numerous that the whole revenues of Scotland could scarcely maintain them in keeping with the dignity of

their titles. What was infinitely worse, their number was never likely to decrease, since the greater part of their titles descended to heirs general. This plethora of needy Scottish aristocrats was one of the drawbacks of the Union, of which England had abundant cause to complain. "I imagine," he exclaimed in proof of this, "a person of quality prevailed on to marry a woman much his inferior, and without a groat to her fortune, and her friends arguing, she was as good as her husband, because she brought him as numerous a family of relations and servants as she found in his house. The pensions and employment, possessed by the natives of that country now among us, do amount to more than the whole body of their nobility ever spent at home; and all the money they raise upon the public is hardly sufficient to defray their civil and military lists. I could point out some with very great titles, who affect to appear very vigorous for dissolving the Union, though their whole revenues before that period would have ill maintained a Welsh justice of the peace; and have since gathered more money than any Scotsman, who had not travelled, could form any idea of."

The insulting language of this effusion was warmly reprobated by the majority of the Lords. The publisher and printer were ordered into the custody of the black rod, and examined at the bar of the House. Being remanded for further examination, lord Wharton remarked that it highly concerned the honour of that august assembly to find out the villainous author of this scandalous libel, in order to do justice to the Scottish nation. He moved that measures be taken to ensure his discovery. The Government, who wished to screen its scurrilous champion, ordered the printer to be prosecuted, in the hope of stopping further parliamentary proceedings. While the lord treasurer disclaimed all knowledge of the pamphlet, he actually wrote to Swift, in a counterfeit hand, enclosing a bill for £100, to help to put him, if discovered, in a position to defend himself. The dean might chuckle, in defiance of this blast

of Whig oratory, "that those who scribble for the Government are so well protected". The Lords petitioned the queen to proclaim a reward for the apprehension of the libeller. The Scottish peers waited on her in a body to complain of the affront put upon their nation. In deference to this outcry, a reward of £300 was offered for the apprehension of the author, who, observing the smallness of the sum, preserved his equanimity under the ægis of the Government, and enjoyed in security the spectacle of his adversary, Sir Richard Steele, being turned out of the House of Commons.

The Scottish Jacobite members, who had taken the initiative in moving the dissolution of the Union, for the real purpose of recalling the Pretender, were encouraged to hope for the realisation of both these objects by the growing trend of Tory feeling in England towards King James.* The ostensible attitude of Oxford and Bolingbroke was, indeed, one of zeal for the Hanoverian succession. They stipulated, as one of the main conditions of the treaty of Utrecht, that the French king should undertake neither to harbour nor assist the Pretender. On his removal to Lorraine, in consequence of this stipulation, addresses were presented by both Houses to the queen, praying her to urge the duke to forbid him his territories, and to offer a reward for his apprehension in case he should attempt to land in any part of Great Britain and Ireland. A proclamation was issued promising the sum of £5000, which the Whigs vainly endeavoured to raise to £100,000, for this service. Notwithstanding such ostensible professions of zeal on behalf of the revolution settlement, the Whigs professed deep distrust of the secret policy of the Government. They brought forward a motion, which amounted to a vote of censure, that the Protestant succession was in danger. Walpole and others significantly referred to the dubious conduct of some persons in high positions, and

* See Clerk's *Memoirs*, pp. 79, 87, 88.

condemned the aggressive attitude of the Pretender's friends in North Britain. They emphasised the fact that an emissary from the exiled prince, Sir Patrick Lawless, had been received in audience by the queen. The duke of Argyle was particularly suspicious as to the distribution of certain sums among the Highland chiefs, and the dismissal from their regiments of officers, whose only fault was that they favoured the House of Hanover. The duke had himself given up his command as unacceptable to the Government, and the earl of Stair had been obliged to sell out in favour of the earl of Dundonald. The lord treasurer defended his action with the plea, that he was merely continuing the grant made by King William to keep the turbulent clans in tranquillity.

The treasurer was suspected of trimming between the two parties. He sent his brother, as envoy, to Hanover, to ingratiate the favour of the Elector. The enmity between him and Bolingbroke, who was steadily undermining his influence with the queen, at length decided him to court the Whigs, in order, by a coalition between them and his Tory following, to oust his rival. His efforts to forestall defeat failed. He was dismissed from his office on the 27th July, after an unseemly altercation of several hours' duration with Bolingbroke, in the royal presence. Bolingbroke, who was more deeply involved in Jacobite intrigues, seemed master of the situation. Had the queen lived, the probability is that the Pretender would have been invited over, and adopted as her successor. Her death four days later disconcerted the plans of the Jacobites. The prompt action of the dukes of Argyle and Somerset in summoning the Privy Council, and proclaiming the Elector of Hanover king of Great Britain, saved the country from the effects of the conspiracy, which the Scottish Jacobites firmly expected would place James VIII. on the throne of Scotland, and restore its ancient constitution.

1714

CHAPTER XIII.

RIOT AND REBELLION (1715-1745).

THE accession of George I. may be regarded as completing the consolidation of the political union of the two countries. The treaty had withstood the repeated strains to which it had been subjected, by the injudicious, and, at times, domineering, treatment of the Scots by English politicians. It had survived the determined, and all but triumphant, attempt in which both its former friends and foes had combined to dissolve it, by a motion in the British Parliament. It had escaped, as by a miracle, the efforts, of the Pretender, backed by a French fleet and a French subsidy, and seconded by an active body of Scottish partisans, to break it. It had weathered a reaction, in both countries, all the more menacing in that the international dislike and jealousy had increased, rather than diminished, since its conclusion. Religious prejudice had been intensified, the expectation of great material advantages disappointed, the patriotic objections of pamphleteering controversialists illustrated by an increase of taxation without a corresponding growth of prosperity. Men recalled the speeches of a Belhaven and a Fletcher, with melancholy reflections on the patriotic foresight of their authors.* Their former antagonists hung their heads in silence, or ruefully confessed the errors of their policy. Thus far the fiery opposition of the anti-unionists had received a tribute to its justice in the speeches of an Argyle, a Seafield, and a Mar. Inaugurated amid every mark of

* Ker's *Memoirs*, II., p. 119.

popular dislike, and subjected to the double disadvantage of increasing unpopularity and ceaseless Jacobite intrigue, the wonder is, that it lived through an infancy exposed to such a variety of adverse conditions. What saved it from a premature death was the fact that it was bound up with the liberties and the Protestantism of the country. The Hanoverian succession was the only guarantee of these to the Scots, unless they were prepared to entrust them to the promises of a popish aspirant to their crown. It was the absence of any satisfactory security for the Protestant succession that had chiefly contributed to defeat the motion for dissolution in the House of Lords. The union of the two countries, under a treaty, which secured the Church of Scotland, and shut out the claims of a popish prince, maintained itself by the force of necessity. The existence of the Pretender was, it may be said without exaggeration, the surest guarantee for the maintenance of the Union. It was a standing menace, it is true, but it served to strengthen the sorely tried allegiance of the Scots. The widespread suspicion of the treachery of the Tory Government to the Constitution, at the critical period of an impending change of sovereign, contributed to disarm an aversion to the treaty, even so deep and so general as that of the Scots had undoubtedly become towards the end of Queen Anne's reign.

With the accession of her successor, the preservation of the Union was accepted as an inevitable necessity, if, maybe, to many, an inevitable evil. It was clearly the less objectionable of two alternatives. Whilst the majority of Scotsmen would have welcomed the restoration of their ancient Constitution, as a relief from what they considered subjection to England, they were not prepared to endanger their Protestantism and their civil rights, for the questionable boon of the redress of their grievances, at the hands of the representative of Stuart absolutism. Their Parliament might again become the creature of a despotic prince; and Prelacy, if not Popery, raise its blood-stained banner, as

in the killing times, of execrable memory. Rather than risk such a repetition of oppression, they smothered their resentment, and joined in celebrating, with much parade of ceremony and booming of cannon, the accession of his Teutonic majesty from Hanover. Loyal addresses were sent to London from many representative bodies in Church and State. There was much swearing among the carousing Jacobites, who assembled to drink success to King James, and even proclaim him, after the completion of their nocturnal revels. The great majority of their countrymen refused to join in the swearing or the pledging, and congratulated themselves on the fall of the lord treasurer and the discomfiture of Bolingbroke.

The activity of the Jacobites was not confined to these bacchanalian performances. Far from being overwhelmed by the collapse of Bolingbroke's intrigues to place himself at the head of a Jacobite Ministry, they set to work to foment disturbance. There were secret conclaves in various parts of Scotland, and furtive attempts to collect arms, and organise a rising. King James was publicly owned as sovereign, wherever they felt themselves strong enough to defy the Government, and overawe the lieges. At Lochmaben, for example, the country gentlemen met after a horse race, and acknowledging allegiance to "the king," at the market cross, expressed, in not very parliamentary language, their contempt for King George and his supporters. There was an active interchange of letters between Lorraine and Scotland, and the report was sedulously circulated that King James was about to land at Leith, at the head of a powerful army.

During the election to the new Parliament in the spring of 1715, Jacobite candidates expatiated on the misery of the country. They skilfully tried the popular device of decrying the Union, and promising the restoration of the Constitution. They enlarged on the burdensome taxation, which oppressed the people, and proved the advantages which would accrue from its dissolution. Their reasonings

bade fair to win them a number of seats, had not the Whig leaders at Edinburgh adopted the plan of circulating letters of warning among the electors.* Their eloquence was thus unavailing. It was prudently curtailed by the action of the Government in placing under arrest some of the more influential of their leaders, among whom was Lockhart, who was confined in the castle of Edinburgh, until he gave bail for his good conduct. Even at Inverness, the Jacobite candidate, who wooed the suffrages of the electors at the head of a following of armed Jacobite lairds, was beaten by Forbes of Culloden. All the peers, as a matter of course, and all but a fraction of the Commons, were staunch supporters of the new *régime*.†

All the same, there was a sufficient element of disaffection in the Highlands, and in some of the border counties, to give the Government serious trouble, if organised by a capable leader. That leader soon appeared in the person of the earl of Mar. Mar had distinguished himself as a supporter of revolution principles, both as a member of the Scottish Government and as Queensberry's successor in the administration of Scotland. He had been an ardent Whig and Unionist, and had borne the brunt of the battle for the Union‡ in opposition to Fletcher and Belhaven. He had shown by his subsequent conduct that, when place and power were in question, he could be as strong a Tory as he had been a Whig. He was now to show what he could achieve in the *rôle* of Jacobite leader. He did not adopt this *rôle* without making a bid for the favour of King George. He wrote a letter full of earnest professions of loyalty. King George did not respond. Mar was displaced from his post of secretary by the duke of Montrose. After hanging about the Court in expectation of substantial recognition of his ardent attachment, he suddenly disappeared at the beginning of August, 1715.

* Rae, *History of the Rebellion*, pp. 114, 115.

† *Ibid.*, p. 122.

‡ Clerk's *Memoirs*, pp. 87, 88.

Disguised as a workman, he got on board a collier bound for Newcastle.* Thence, in a hired vessel, he reached the Fifeshire coast, posted northwards at the head of forty horsemen, and sent summonses, in the course of his journey, to a number of powerful Jacobites to meet him at Braemar, in the end of August. The pretext of the gathering was a grand hunt, or "tinchel"; its real aim was to concoct a rising for King James. Among the northern magnates who responded were the earl of Errol, the marquess of Huntly, the earl Marischal, the marquess of Tullibardine, lords Kilsyth, Southesk, Drummond, Ogilvie, Seaforth, and Stormont. Mar made them a speech. He began by cursing the Union. He professed penitence for the part he had played in the ruin of his country, inveighed against the tyranny of the English, swore to do his utmost to recover their ancient liberties, execrated the Prince of Hanover and his ministers, and exhorted them to rise for King James, who had promised to redress their wrongs. He produced a commission from the king appointing him commander-in-chief; and, being assured of enthusiastic support, hoisted the royal standard at Braemar on the 6th September. Some days after, the leaders of the rising published a manifesto, on behalf of "our ancient Constitution," couched in an extremely politic strain.† "Our fundamental Constitution has been entirely altered and sunk amid the various shocks of unstable faction; while, in searching out new expedients, pretended for our security, it has produced nothing but daily disappointments, and has brought us and our posterity under a precarious dependence upon foreign councils and interests and the power of foreign troops.

* *Parliamentary History*, VII., p. 16.

† Rae, *History of the Rebellion*, p. 195. *Cf.* Chambers, *History*, pp. 191-192. Montrose, in a letter to the earl of Stair, British ambassador at Paris (12th September, 1715), remarks that the rebel leaders had declared their intention of placing the Pretender on the throne, breaking the Union, and extirpating Presbytery.—*Stair Annals*, I., p. 281.

The late unhappy union, which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from lessening and healing the differences betwixt his majesty's subjects of Scotland and England, that it has widened and increased them. And it appears by experience so inconsistent with the rights, privileges, and interests of us and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us and hurt them; nor can any way be found out to relieve us, and restore our ancient and independent Constitution, but by the restoring our rightful and lawful king, who has the only undoubted right to reign over us."

The subsequent history of this desperate escapade may be told in a sentence. Before the Pretender landed, it had received a check at the hands of Argyle, by the equivocal victory of Sheriffmuir, and ended in disaster at Preston. By its discomfiture, the union of the two countries was confirmed beyond the possibility of disintegration, to judge from the hopeless outlook of the Jacobite cause. After Sheriffmuir and Preston, and the execution of Kenmure and Derwentwater, Jacobitism was struck nerveless for thirty years to come; and the Whigs might, not without reason, rest in the confidence that, as a political factor, it was as good as extinct. Men like Lockhart, however, while withdrawing from public affairs, continued to watch legislation and administration as far as they concerned Scotland, with the object of fanning discontent and regaining their hold on public opinion. Some of the Government measures tended to give scope for this "quiet and underhand" activity. Grumbling, which sometimes rose into vehement and angry protests, again made itself heard at English high-handedness and oppression. The Court of Session felt aggrieved at the encroachment on its jurisdiction, by the commissioners appointed to deal with the forfeited estates of the rebel landowners. The Scottish judges maintained that the appointment of a separate

tribunal, to administer justice in Scotland, was a contravention of the 19th article of the Union. They protested, and their protest was supported in the House of Lords by the duke of Argyle. The project of vesting the disposal of these estates in trustees was, he insisted, not merely a contravention of the treaty, but derogatory to the dignity of the House of Lords itself, as the supreme judges in all civil causes. This protest was ineffectual, and a bill to confer such powers was carried, by a majority of six votes,* on the 11th March, 1718.

Another debate in the House of Lords, particularly affecting the Union settlement, aroused intense interest in England, as well as in Scotland. On the 28th February, 1719, the duke of Somerset moved for leave to bring in a bill to settle and limit the peerage. He proposed that the number of English peers should not be increased by more than six above the present number, and that twenty-five hereditary Scottish peers, whose number, upon the extinction of any one of them, might be maintained from the ranks of the non-hereditary peers, should henceforth be admitted to the House, in place of the sixteen Scottish elective representatives. The motion was seconded by the duke of Argyle; but its discussion was postponed to the 3rd March, in virtue of the importance of the constitutional question involved. During the debate on that day, earl Cowper denounced the proposal as a manifest violation of the Union, and a gross injustice to the peers of Scotland. Those lords who should be excluded from the number of hereditary Scottish peers, would be placed in a worse position than any of their fellow-subjects, since they could neither represent nor be represented. Such a measure could not fail to excite among them the most dangerous discontent. Moreover, they had not given a mandate to their representatives in the Upper House to vote away the privileges guaranteed

* *Parliamentary History*, VII., pp. 550-554.

to them by solemn treaty, and ought to be consulted before proceeding further. The motion was supported by the dukes of Montrose and Roxburgh, the marquess of Annandale, and the earl of Islay. They contended that the measure would prove a benefit rather than a disadvantage to the Scottish peers, whose representatives were increased by nine, and all made hereditary. Those excluded for the present would still have the chance of recovering their privileges, on the failure of male heirs of any of the twenty-five. They attempted to quieten their consciences, on the charge of violating the Union, by the sophistic assertion that religion and the proportion of taxation constituted the only unalterable fundamentals of the treaty. The earl of Islay, in particular, magnified the motion as a laudable attempt to rectify a defect in the Union, by freeing the Scottish peers from the ignominy of sitting in the House by right of election—a fact which tended to make them the mere creatures of the Government, and deprived them of the liberty of voting for the interest of their country. After a long and spirited debate, a majority of fifty-three declared its approval of a series of resolutions, in which the proposal was elaborated. They were embodied in a bill, brought in on the 5th March. It received two readings, and several amendments in committee; but it was dropped for the present, in deference to the strongly-marked dislike of the public, and the determined opposition it was certain to encounter in the Lower House.

During the interval before the opening of the following Session, the earl of Sunderland, who had initiated the proposal, in the hope of securing the Whig majority in the House of Lords from the possibility of a renewal of the tactics formerly practised by Harley, in creating a batch of Tory peers to swamp it, made use of threats and bribery to convert the Whig malcontents, in the Commons, from their rooted aversion to the scheme. Addison entered the lists in defence of the bill with a pamphlet entitled, *The Old*

Whig. He found an adversary, of equal literary skill, in his friend and coadjutor, Steele, who replied with a tract called *The Plebeian*. The controversy, while unusually free from the conventional venom of personal abuse, unfortunately tended to cloud the friendship of the two great essayists. Walpole took part in the fray with all the more fervour, inasmuch as he found himself in opposition to the Government. He did not confine himself to mere controversial scribbling, but attacked the bill, after it had passed the Lords in the beginning of the Session of 1719-1720, in a speech of extraordinary eloquence and spirit. "Among the Romans," he cried, "the wisest people upon earth, the temple of Fame was placed behind the temple of Virtue, to denote that there was no coming to the temple of Fame but through that of Virtue. But if this bill is passed into a law, one of the most powerful incentives to virtue would be taken away, since there would be no arriving at honour, but through the winding-sheet of an old decrepit lord, or the grave of an extinct noble family,—a policy very different from that glorious and enlightened nation, who made it their pride to hold out to the world illustrious examples of merited elevation."

Steele, in his attack, broke a lance for the treaty privileges of Scotsmen, and even justified their right to resist their violation by force. "The peers of Scotland," he said, "have an indefeasible right by the Act of Union to be elected to serve in Parliament as peers of Great Britain, in the manner therein stipulated; and it would be but more cruel, not more unjust, to take from them their lives and fortunes, than the honour and privilege, which their ancestors purchased by the frequent hazard of theirs. The terms of the Union are plain and absolute; nor can any privilege, liberty, or property, secured by it to the meanest subject of either nation, be violated, or altered against his will, and no satisfactory reparation done him, without infringement of the whole Act, and leaving the

persons so injured at liberty to avenge by force what was done by it; for protection and obedience are reciprocal, and withdrawing the one, discharges the other."

The eloquence of Steele and Walpole found a ready ear in a House, which saw in the bill an invidious attempt to augment aristocratic exclusiveness and domination, as well as an infraction of the Union. Animated by their resentment on the former head, rather than by zeal for the privileges of Scotsmen, the Commons rejected the measure by a large majority.*

The intrigues of political parties had not ceased with the flight of Mar and the Pretender. Jacobitism was, for a long time to come, beaten off the field of practical politics. Its intrigues were unmasked by the appearance of Lockhart's *Memoirs*, of which the lord advocate, Sir David Dalrymple, surreptitiously obtained a copy, and which he published at the expense of the Government. Lockhart continued to write letters to his master at Rome, and draw up revolutionary schemes. But, with the exception of the luckless attempt to measure swords at Glenshiel, nothing came of the busy penmanship of the laird of Carnwath. Political life was confined to the quarrels of the supporters of the Hanoverian *régime*. The Squadrone division of the Whigs continued to compete with Argyle and his followers for a share in the administration of the country. The duke of Roxburgh, one of their leaders, held the office of secretary for Scotland for a number of years, while Argyle occupied the less influential post of commander-in-chief. The friction between the two parties found expression in the election of peers; and the hall at Holyrood was animated by the keen party spirit, begotten by this rivalry for power.† The discontent of Argyle at the ascendancy of Roxburgh induced Lockhart to attempt to gain him for the Pretender. His grace had some thoughts, it seems, of gratifying his resentment by conspiracy,—that odious recourse of disappointed

* *Parliamentary History*, VII., pp. 589-594, 606-627.

† *Lockhart Papers*, II., pp. 59-65.

statesmen at this period.* The appointment of chamberlain of the household confirmed his attachment to the House of Hanover, and put the realisation of Lockhart's "chimerical scheme" out of the range of possibility. Argyle joined with Roxburgh in returning the Government list of peers at the election of 1722, to the exclusion of Tory candidates. During the next three years, there was a truce between the rival politicians.

The feud broke out anew, in 1725, over the proposal to levy the malt duty in Scotland. The Scots set up a clamour against it. The outcry became furious, when it was learned that Parliament proposed to waive the malt tax, but to impose a duty of sixpence on the barrel of ale, and to disallow the premiums on grain exported from Scotland. Hostile addresses and petitions were rained on the Commons from the shires and burghs. The electors of Midlothian remonstrated, on the ground that a special duty on Scottish ale was a violation of the Union. They claimed to have proved this by a reference to the 6th and 7th articles of the treaty, which stipulated that all parts of the United Kingdom should be liable to the same excise on excisable liquors, and be subject to the same prohibitions, restrictions, and regulations of trade, and the same allowances, encouragements, and drawbacks. To disallow the premiums on the export of Scottish grain would contravene the latter stipulation; to exact a duty of sixpence on Scottish ale, the former.† They followed up this remonstrance by a letter to Mr. Dundas, lord advocate, and member for Midlothian, urging him to bring about a meeting of the Scottish members, similar to that which had resisted the bill to impose the malt tax in 1713. Dundas exerted himself to carry out the wishes of his constituents. He used his influence to instigate his fellow-members to remonstrate with Walpole. The minister acknowledged the force of these representations, but insisted that the revenue of Scotland must pay the expenses of administra-

* *Lockhart Papers*, II., pp. 4-16, 31-34, 86-90.
† *Ibid.*, pp. 135-137.

tion. The Scottish members were in an awkward position. Their allegiance cost the Government ten guineas each a week. If the additional duty on Scottish ale was to be relinquished, they could not expect a continuance of this allowance; they must, in fact, as Walpole put it, "tie up their stockings with their own garters". The unanimous opposition of the Scottish people was too serious a fact to be overlooked, however; and the ale tax was abandoned in favour of a modified duty of threepence on the bushel of malt. If the revenue from this source yielded less than £20,000 per annum, the deficiency was to be made up by a surcharge on the maltsters.

The anger of the Scots was but little mollified by this concession. The disaffection of the Jacobites again made itself felt by underhand attempts to aggravate the popular discontent. The plan was mooted of convoking a national convention, to deliberate on the course to be taken should the policy of the Government force the nation to regard the treaty of Union as null and void.* The brewers of Edinburgh combined in a resolution not to yield. The Glasgow mob did not stop short of mere expressions of defiance. On the day after the new duty came in force, the excited populace attacked and sacked the house of their member, Mr. Campbell of Shawfield. Campbell had voted for the malt tax, and was suspected of having given the Government the benefit of his special knowledge in preparing the bill. He was likewise obnoxious on the ground that he had taken the precaution of procuring a detachment of troops from General Wade's force at Edinburgh to preserve the peace. The soldiers, arriving too late to prevent his mansion from being wrecked by the mob, were posted at the municipal guard-house, to overawe the city. The mob became still more restive at the sight of English soldiers patrolling the streets, and abused and assailed the sentries. The troops at length fired on

* *Lockhart Papers*, II., p. 141.

their tormentors, and killed and wounded several of them. On this there was a general rush to arms, and more blood would have been shed, had not the magistrates prevailed on their commander to withdraw them to Dumbarton. The crowd followed them part of the way with curses and showers of missiles, and some more casualties took place.

From Dumbarton the discomfited captain sent news of the popular ferment to General Wade. More troops were despatched to Glasgow; and the lord advocate, Duncan Forbes, who had replaced Dundas, himself repaired thither to inquire into the riots. A large number of suspects, including even the provost and magistrates, were arrested, and brought to Edinburgh for trial. The magistrates were charged with neglect of duty. They were defended by Dundas, who had lost his post, owing to his opposition to the Government policy, and acquitted. Several of the rioters were found guilty, and sentenced to be publicly whipped and transported to the colonies.

The opposition of the Edinburgh brewers, who made use of less unconstitutional methods, was not so summarily quelled. They resolved to brew no more ale until the objectionable tax was abolished. This was a serious menace to the capital, which not only consumed between two thousand and three thousand barrels of ale per week, but must speedily find itself without a supply of bread, for the want of yeast. The lord advocate represented this grievance to the Court of Session. The Court ordered the brewers to resume work, and to find security for their compliance with the order. Dundas advised them to defy the judges. They accordingly presented a petition against the order. The Court denounced it as scandalous and seditious, and ordered it to be burned by the common hangman. They threatened with imprisonment those who continued refractory. The brewers still declined compliance. Evidently the duty would have to be collected by force, even if the strike could be put down by legal authority, which Dundas averred it could not be. In this embarrassing position,

Walpole resolved to dispense with the services of the Scottish secretary of state. Roxburgh, secretly acting with lord Carteret and others of Walpole's opponents, had fomented the spirit of resistance in Scotland. He countenanced the tactics of Dundas, and counteracted the orders which it was his duty to transmit to Scotland. A despatch from Hanover, whither the king had gone, requested him to deliver up the seals of office to the duke of Newcastle. The influence of the blow was felt at Edinburgh. The brewers, feeling resistance hopeless, accepted the tax, and resumed work.

The resolution to abolish the Scottish secretaryship was welcomed by the lord advocate, though it was derogatory to the dignity of Scotland, and unfavourable to the efficient despatch of Scottish business. Duncan Forbes was of opinion that the step "will very much contribute to the reducing this country to reason". "It yields a prospect," wrote he to Newcastle, "that, for some time at least, we shall not be troubled with that nuisance, which we have long complained of, a Scots secretary, either at full length or in miniature. If any one Scotsman has absolute power, we are in the same slavery, . . . and the dependence of his country will be on that man, and not on those that made him." Virtually, however, the power of this office fell into the hands of the now triumphant Argyle party. For a term of years the duke's brother, lord Islay, equally distinguished by his character and his talents, wielded a beneficent sway over the destinies of Scotland, undisturbed by the ineffectual opposition of the Squadrone magnates.*

That opposition was concerned in a long-continued, but at length successful, effort to drive Walpole from office. It was now the turn of the Squadrone to complain of the tactics which excluded them, in the election of Scottish

* The office was restored in 1731, when the earl of Selkirk became secretary. After his death, in 1739, it remained vacant till 1742, when the marquess of Tweeddale was appointed. It was abolished after the rebellion.

peers, from the House of Lords. Party spirit ran so high, at the general election of 1734, that it was deemed necessary to draw up a battalion of infantry opposite the palace of Holyrood, to prevent a riot. The king's list, as the Government candidates were denominated, contained the principal supporters of the Argyle *régime*. The opposition put forward the leaders of the Squadrone,—Montrose, Roxburgh, Tweeddale, Marchmont, Rothes, and Haddington,—and several Tories of the stamp of Hamilton, Strathmore, and Aberdeen. After a disorderly altercation, the Government candidates were elected. There were angry charges of bribery, and a threat to call for a parliamentary inquiry. Walpole's enemies in the House of Lords eagerly seized the pretext for an indirect attack on the Government. On the 13th February, 1735, the duke of Bedford presented a petition from the dukes of Hamilton, Queensberry, and Montrose, and the earls of Dundonald, Marchmont, and Stair, complaining of "the undue methods and illegal practices" made use of in the election of the Scottish peers, and craved permission to lay before them proof in support of this allegation. The duke of Newcastle objected to the general character of the charges contained in the petition, and a motion was made to order the petitioners to furnish in writing instances of the illegal practices complained of, as well as the names of those suspected to be guilty of them. They declined to take upon them the responsibility of accusing particular persons, on the ground that they could not act as accusers and witnesses; but submitted, in proof of their allegation, the following facts. A list, they asserted, of the peers to be elected had been framed by persons in high trust under the crown, and sent down to the Scottish peers. Money bribes, as well as promises of pensions, and civil and military offices to them and their relatives, had been lavishly made, in order to get the Government nominees elected. The election had, in fact, been made under constraint of military force. These disagreeable facts were undeniable; but the Government

attempted to evade an inquiry into them, by a motion, that the petitioners, by refusing to give the names of the accused, had not complied with the order of the House. A large majority supported the motion, and the petition was dismissed.* The arguments used by the opponents of the petition clearly revealed a set attempt to shirk an inquiry. The result went to swell the cry that justice could not be had for Scotland, amid the complications of English party politics. The complainants had to wait for their revenge for the opportunity of another general election, when the fall of Walpole reversed the position of parties, and temporarily restored the office of secretary for the marquess of Tweeddale.†

The following year, 1736, another street riot, this time at Edinburgh, gave a drastic expression to the impatience of the system of English interference. The practice of evading, by smuggling, the duties imposed under the new *régime*, was an exceedingly popular one. It was countenanced by all sections of the people, except the merchants of the trading towns. Lord Advocate Dalrymple had even advised Godolphin, in 1709, to connive at this evil, in the interest of the Union settlement. The Government at length determined to make an example of a daring smuggler, named Wilson, who had broken into and plundered the custom house at Pittenweem. Wilson was subsequently hanged, after a fruitless attempt to escape. His execution was rendered doubly unpopular by the fact that the city guard, under the command of Captain Porteous, fired on the crowd that made an attempt to rescue his swinging body from the gallows. Porteous was tried, and condemned to death, for his precipitate action in killing and wounding several citizens, without the warrant of a magistrate to use his authority. The report spread that

* *Parliamentary History*, IX., pp. 720-796.

† The practice of sending circular letters to the electors on behalf of the Government list was discontinued after 1774, owing to the scandal occasioned by it.—See Wight's *Rise and Progress of Parliament.*

he would be reprieved by a Government that accounted it no crime to shoot unruly Scotsmen. A reprieve was sent down; but the mob interfered to prevent it being carried into effect, by storming the Tolbooth, and hanging the unfortunate prisoner with every circumstance of vindictive barbarity.* The judicial investigation of the riot, and the trial of several accused persons, failed to lead to conviction, and a parliamentary inquiry was ordered. The Scottish judges were summoned to the House of Lords to give an account of the proceedings in the Court of Session. The duke of Argyle proposed that they should be seated on the woolsack, as in the case of the English judges. He rested his contention on a clause of the treaty of Union. The Lords refused to grant this distinction, on the ground that it was not consistent with precedent.† The judges had to be content to stand at the bar. A more material cause of complaint was found in the bill to exact retribution from the offending city. It was denounced not only as savouring of national vindictiveness; it was an infraction of the privileges guaranteed by the treaty to the royal burghs.‡ The bill was fiercely contested by the Scottish members of both Houses, and so successfully in the Commons that it was denuded of its more offensive features, and the penalty finally reduced to the infliction of a fine of £2000, on the city of Edinburgh, as compensation to the widow of Porteous.§

Ten years later Scotland was aflame, not with riot, but with rebellion. The romantic episode of the '45 may be said to have temporarily overturned the Union. It may be said, indeed, to have been a crusade against the Union—though this was no longer, as in the case of the risings of 1708, 1715, and 1718, so prominently put for-

* For a graphic account of this scene, see *Autobiography of Dr. Alexander Carlyle*, an eye-witness.

† *Parliamentary History*, X., p. 216.

‡ *Ibid.*, p. 239.

§ *Ibid.*, pp. 187-319.

ward—inasmuch as it was a determined attempt to change the succession to the throne. Its ultimate success must have destroyed the Union, since it would have annulled one of the fundamental articles of the treaty. How nearly the rebellion escaped being a revolution, the fact of the temporary conquest of Scotland sufficiently indicates. The martial prowess of the Highlanders must be credited with the merit—if merit it be—of this phenomenal success. But it must not be forgotten that the neglect of the Government, engaged in the questionable policy of spending so much blood and treasure in the quarrels of the continent, made the success possible. An incorporating union had preserved Scotland from the menace of a war with England. It plunged it, on the other hand, into three successive internal contests in the space of forty years, which we may safely assume would have been prevented, had the Parliament of Scotland been left to legislate for the country, and safeguard its peace. The advent of the prince, who raised the standard of James VIII., at Glenfinnan, on the 19th August, 1745, came, as on these three occasions, as a surprise, and found Scotland practically defenceless. A few companies of infantry at Forts William and Augustus, were accounted sufficient to keep the Highlanders in order. The whole available force was not larger than it had been on a similar emergency in 1708. Sir John Cope, the commander-in-chief, was not the man to retrieve the shortcomings of the Government. He marched northward, carefully avoiding an engagement at the important pass of Corriaric; and, while he toiled with a skeleton army of fifteen hundred, by a roundabout march towards Inverness, his enemy swept into the defenceless Lowlands, and took possession of the capital without resistance. King James was proclaimed at the Cross; and his son occupied, as regent, the ancient halls of Holyrood. A significant incident marked his entrance into the palace. As he was about to step from the piazza inside the quadrangle, through the doorway of the Hamilton apartments,

an old man, Mr. Hepburn, of Keith, in East Lothian, moved out of the crowd, and drawing his sword, led the way upstairs. Hepburn's loyalty was actuated by his hatred of the Union, which was by no means exceptional, and which was still strong enough to run the risk of disaster and forfeiture for Scottish independence.

Charles, it is said, had only a guinea left in his pocket when he reached Perth. This was a fatal lack in one who proposed to effect a revolution. Nevertheless, the charm of his popular manners wooed the allegiance of the impulsive Highlanders, and the Lowlands speedily afforded supplies to one who had so many claymores at his disposal, in an unprotected country.

When Cope found that he had executed the worst possible movement in marching northwards, he hastened back by sea, to interpose his scanty army between the Highlanders and the border. He was ignominiously beaten at Prestonpans on the 22nd September. Scotland was practically severed from England. Charles was advised to turn his attention to the consolidation of his power in Scotland, and limit further operations to its defence. He was urged to declare the Union dissolved, and summon a Scottish Parliament.* This, it was represented, would be a politic step, and would infallibly rally the Scots to his cause. The Union, though forty years old, was scarcely less unpopular than at its inauguration, and Scotland would welcome the dissolution of the treaty, as the means of freeing it from the yoke of England. He might also, as regent of the kingdom of Scotland, rely on the strenuous support of England's enemies, France and Spain. Charles represented the old spirit of Stuart absolutism, and preferred to do his own will. On the 10th October, he issued a proclamation declaring the king's intention to be "to reinstate all his subjects in the full enjoyment of their religion, laws, and liberties". He had no desire to enslave a free people,

* See Struthers, *History of Scotland from the Union to the Abolition of the Heritable Jurisdictions in* 1848, II., pp. 240-41.

but to redress their wrongs. He would respect the established religion of England, Scotland, and Ireland, but protested his determination on no account to ratify the Union. He inveighed against the abuse of Parliaments, the multitude of placemen, the introduction of penal laws, and in general against every grievance whose oppression was fitted to bring him support; and concluded with the assurance, that the king, on his restoration, "will refuse nothing that a free parliament can ask for the security of the religion, laws, and liberty of his people".* He spent six weeks enjoying the pleasures of regal state at Holyrood; and on the 31st October gave the order to march on London, with an army now reinforced to six thousand men. The march was executed with such skill and daring that the armies of General Wade and the duke of Cumberland were successfully evaded. Derby was entered on the 4th December. London was little more than a hundred miles distant. At the prospect of an assault by an army of savage Highlanders, consternation filled the city. Frantic efforts were made to organise a defence. Parliament resounded with denunciations of the supineness of the Government. A motion was made "to enquire into the causes of the progress of the rebellion in Scotland". The Ministry were charged "with the total neglect of that country," and a strong case was made out to prove a complete absence of vigour and foresight.† The presence of forty-five Scotsmen at Westminster had palpably

* See Chambers' *History of the Rebellion*, pp. 148-151. The onslaught on the Union was humorously rendered in a song by Mrs. Cockburn, in which the proclamation is parodied:—

"Ye ken that by a Union base,
Your ancient kingdom's undone,
That a' your ladies, lords, and lairds,
Gang up and live at London.
Nae langer that we will allow,
For, crack! it goes asunder,
Which took sic pains and time to do,
And let the warld wonder."

† *Parliamentary History*, XIII., pp. 363-382.

proved a poor substitute for the national Legislature at Edinburgh. They had evidently given their English colleagues little reason for the apprehension, expressed shortly after the inauguration of the Union, lest they should form a national obstructive party. Party intrigue within their own ranks, the manipulations of the ministers of the day, the all-potent influence of English guineas, contributed to diminish their influence, and left their country weak in a most vulnerable point. The motion was negatived, and Parliament expressed its detestation of this attempt to overturn the Constitution. The danger emphasised the clamant necessity of increased attention to the demands of a people, which could shake the fabric of government in such an unexpected manner. What if the Cameronians should emerge from the wilds of Galloway and Lanark, to do battle against an uncovenanted king? What if the mobs of such towns as Glasgow, where the remembrance of Scottish blood shed by English soldiers but ten years ago, still rankled, should take the opportunity of indulging their wrath, by open rebellion? There were old scores enough to settle on the head of the Union, which might well add to the trepidation of English statesmen, like the duke of Newcastle, who is reported to have shut himself up a whole day in anxious deliberation whether he should go over to Prince Charles, or remain true to King George. The apprehensions on the score of the much-tried fidelity of the Scots were augmented by the news of the landing of a thousand Frenchmen. It looked as if the war with France would be fought on Scottish, or even English soil. The landing of a French force at Montrose was in fact part of a far-reaching plan for a French invasion of England. Eleven thousand men, under the Duc de Richelieu, had been detached from the army of Flanders, and concentrated on the coast of the Channel. A manifesto was drawn up, couched in very deferential terms towards a people who had decided to restore its ancient line of kings. The menace of this

invasion kept the British fleet on the alert in the Channel, and added to the intense anxiety that prevailed in Government circles in the capital.*

This crowding array of fears was suddenly dispelled by the collapse of the Highland advance. Their picturesque march, arrayed in gaudy tartans, and preceded by the shrill blast of the pipes, had aroused the keenest curiosity along the route. Their good conduct had disarmed the fears of the peasantry. But, in spite of the fact that King James was proclaimed in every considerable town, there was no spontaneous Jacobite enthusiasm, even in Lancashire. The reinforcements, on which the leaders had counted for the success of the rising, came not. The invasion was a picturesque, romantic march, and nothing more. The Whig peasants and weavers of the South of Scotland refused to be beguiled by popular devices, to assist a popish prince. They remained staunch to the Union and the Protestant succession. The restive Cameronians took down their rusty flints and broadswords; but, though they did not declare their intention in decisive terms, their resentment against patronage and toleration, and sundry other ecclesiastical backslidings, was not equal to their aversion of popery. The citizens of Glasgow, Perth, Dumfries, and other towns had too good reason to complain of exactions, to support what they deemed a horde of Highland robbers. In these circumstances, retreat was resolved on, and the march northwards executed with even greater celerity than the progress south had been.

On nearing the Highland line, the prince's army was reinforced by detachments of the clans. At Stirling, which was reached at the beginning of January, he found himself master of ten thousand men. A brush near Falkirk with the royalist army of General Hawley resulted in the rout of the English, and brightened the prospect of a successful

* See, for the details of this plan, *Maurice de Saxe et le Marquis d'Argenson*. Par le Duc de Broglie.

continuation of the campaign. The retreat was continued, however, before the approach of the duke of Cumberland, to end in the disaster of Culloden, and the final emancipation of Scotland from the menace of Jacobite intrigues.

The failure of the rebellion afforded an opportunity for harassing Scotland with repressive legislation, which, if prudence had not intervened, might have perpetuated discontent, and turned Scotland into a second Ireland. English statesmen were wise, and limited retribution to the trial and execution of several of the leaders and their followers, the forfeiture of the estates of the guilty, and the abolition of the hereditary jurisdictions. These jurisdictions had proved dangerous instruments of disaffection in the hands of powerful nobles and Highland chiefs. The traditional sway of the latter over the minds of a numerous following of dependants was intensified by the legal powers which they thus wielded as landowners. They had not been without their utility, in the days when the circuit courts, which dispensed justice in the provinces of the Lowlands, had not been able to penetrate into the inaccessible regions of the Highlands. But the dangerous consequences of power so great, over the clan or the district, could not be allowed the chance of again asserting themselves, and the Government acted a prudent part in abolishing them. Henceforth the law courts were supreme in the administration of justice; and if the change was an infringement of the 20th article of the treaty, Parliament did not deprive the owners of these jurisdictions without compensation. The price paid amounted to £150,000. This sum enabled the landowners to improve their estates, and thus gave an impetus to agriculture.

One act of severity had in it more of silly vindictiveness than of rational legislation. The Highlanders were denied the right of wearing their national costume, as well as prohibited from bearing arms. A wound was thereby inflicted on Scottish nationality, and a big stride made in that pernicious levelling process, which is one of the drawbacks

of union between two nations, so unequally yoked together in respect of relative power and population. To the commercial spirit of these islands, national custom, local tradition may be a subject of callous indifference. Their suppression is, all the same, an injury to the continuity of national life, the more regrettable in this instance, that it was entirely aimless. The law that abolished the Highland garb as an article of common dress, retained it, however, as a military uniform. This concession helped, indeed, to popularise "the garb of old Gaul" throughout the world, and is connected with a beneficial departure in the history of the Highlands. The Government had experienced, to its cost, the strength of the martial spirit that was nurtured by those shaggy mountains behind the Grampians. The happy idea suggested itself of utilising it in the defence and expansion of the British empire. To the courage and endurance of these Highland soldiers, who were levied in regiments representing, to some extent, the clan system, the growth of that empire is, in no small degree, due. Thus the Union at last brought its boon to the hostile Jacobite tribes of the north. It provided for the Highlander a field for the exercise of some of his most distinctive qualities,—martial fervour, devotion to his leader, reckless daring, unflinching endurance,—in the wide arena of the world's history. Even prior to 1745, the value of this material for warlike purposes was recognised by the formation, in 1730, for service in their own glens, of six companies, known, by the contrast of their uniform to the scarlet of the British army, as the Black Watch. The suggestion was due to Duncan Forbes of Culloden, who some years later submitted to Walpole a plan for raising several Highland regiments for service in the wider field of the empire. In consequence, the Black Watch became the 42nd regiment, and bore a memorable share in the battle of Fontenoy, in the very year in which the standard of rebellion was hoisted at Glenfinnan. Ten years after that unfortunate event, the 42nd are found crossing the

Atlantic, to contribute, by their dash and discipline, to the conquest of Canada from the French. Pitt is usually credited with the merit of utilising the services of the Highlanders in this new field. Pitt, however, only adopted the idea, which originated with Forbes, and which had partially been put in practice long before his advent to power. He deserves credit only as the organiser of the scheme. Other regiments were enrolled to help in earning the martial glory of conquest, which has thrown an imperial halo around his administration. From this time until the battle of Waterloo, fifty regular battalions of Highlanders were raised, besides a large number of militia regiments and some smaller corps. The effect of this popular military service, in providing an outlet for the population of the Highlands, was sufficient to compensate the Scottish Celt for the defeat and the repressive measures of 1746. The lands won by the bayonet of the Highland soldier gave scope, in their turn, to the plough of the Highland colonist. Their forcible acceptance of the Union settlement, the assuasion of Jacobite attachments into mere poetic sentiment, were happily the auguries of lawful enterprise and memorable deeds for a poverty-stricken and lawless race.

CHAPTER XIV.

INTERNATIONAL INTERCOURSE AND INDUSTRIAL PROGRESS IN THE EIGHTEENTH CENTURY.

THE rebellion of 1745 is not merely a striking landmark in Scottish political history. It is memorable as marking the beginning of a closer and more sympathetic intercourse between Scot and Englishman. The legislative union had hitherto resulted in a very meagre growth of good feeling on either side towards the other. Old contentions, kept alive by discontent in Scotland, and an overweening sense of superiority in England, left their traces in national estrangement. The rugged nationalism of both countries required to be worn off by time and closer acquaintance, before the mellowing influences of mutual appreciation could make themselves generally felt. To the Englishman who travelled into Scotland, the manners of the people, their almost unintelligible language, the miserable hovels that served for farm-houses, the wretched cultivation of the soil, the squalor of the towns, the desolation of moor and swamp, the poverty that crushed the spirit of the peasantry,* suggested much the same melancholy thoughts, that pain the mind of the traveller in some parts of Ireland, at the present day. Captain Burt, who lived for several years in the north of Scotland, was at once struck, on crossing the border, with the marked difference in the condition of the two peoples. Reviewing his experiences in the wretched hovel in which he was compelled to spend the night after passing the Tweed, he began to question himself for which of his

* See, for instance, *A Tour through Scotland by a Gentleman in* 1727.

sins he was sent into such a country.* The ridicule and the commiseration of the Englishman were alike apt to exasperate the touchy Scot. The Scot returned the dislike, if not the ridicule, of his southern neighbour. "Nor was it easy to say," remarks a keen observer, in reference to the period of international history that began with 1707 and ended in 1745, "whether we, or the English, were more reprehensible and narrow-minded in mutual dislikes." † The interchange of hard blows by angry pamphleteers continued throughout this period. The author of *The Thistle*, for instance, was perfervidly indignant over the reported project of dispensing justice in Scotland by English judges. He still assails the Union in language of fierce vituperation. ‡ His opponent, the author of *Old England*, poured out his vexation at the pertinacity of the Scots in invading all positions in England. "Where there is anything to be got," complains he, "you may be sure to find a number of Scotchmen convened, like hounds over a carrion, or flies in a shambles." After the rebellion, however, the abatement of this recriminatory feeling proves that that unlucky event had quickened, in both peoples, a sense of the mutual interests at stake in the union.

The union with a more powerful nation, rich alike in the products of industry and intellect, could not fail, in the long run, to exert a stimulating influence on the weaker and poorer partner. Even in Queen Anne's reign, the literary activity of the London wits was not without its effects on the devotees of the muses in Edinburgh. The more fastidious Presbyterians, of the stamp of Alexander Abercromby of Tullibody, were shocked at the increasing practice among cultured young men of regaling their minds with the *Tatler*, *Spectator*, *Guardian*, and other choice fruits

* *Letters from a Gentleman in the North of Scotland*, I., p. 16.

† *Scotland and Scotsmen in the Eighteenth Century* (Allardyce), from the *Ochiltree MS.*, I., pp. 3-6.

‡ *The Thistle, a Dispassionate Examiner of the Prejudices of Englishmen in general to the Scotch Nation.*

of English literary taste. Broad Scots continued, till far into the century, to be the language of Edinburgh society. Judges, professors, ministers were contented, in their social hours, with the pure Doric, which made a hard struggle to maintain itself as the language of society, as it had previously been that of the Court, the bar, and the pulpit. Even the lord president, Dundas, lord advocate and member of the House of Commons as he was, resorted to broad Scots, when the restraint of office was laid aside in convivial hours. In his official language he was far from being fastidious in the choice of words and constructions. So unintelligible did his diction appear to an English listener in the Court of Session, that he asked, in the course of one of his vehement pleadings, whether it was the custom of barristers in Scotland to scold the judges! "Dundas," remarks a contemporary, "may be regarded as the last of that illustrious group of Scottish lawyers who adhered religiously to the dialect, manners, and customs of their ancestors. At his outset, and even on going into Parliament, he did not think it incumbent on him to study the niceties of the structure and articulation of the English language, like a schoolboy. This was no doubt an insuperable bar to his being well heard in the House of Commons; but he was satisfied with displaying his unpolished, manly eloquence at the Scottish bar, where he was sure of finding admirers." * Lord Auchinleck, another ornament of the Scottish bench, not only did not disdain to speak conventional Scots, but had no sympathy with the growing attempts to use polished periods at the bar and on the bench.† Among other examples, that of lord Braxfield is especially notorious, as the champion of broad Scots, combined with savage vulgarity on a bench, which has been distinguished by the refinement and culture of so many illustrious occupants. It was nearly a century after

* *Scotland and Scotsmen in the Eighteenth Century*, I., p. 76; *cf.* Dr. Carlyle's *Autobiography*, p. 4.

† *Ibid.*, pp. 168-69.

the inauguration of the Union before that assimilation of English culture, in Scottish legal circles, produced a Jeffrey or a Cockburn. They had several worthy forerunners, notably in lord Kames, who, to his merits as a judge, added the ambition of possessing a refined English style, and, with Hume and lord Elibank, constituted the literary triumvirate of Scotland in the second half of the eighteenth century. Even lord Kames spoke pure Scots in his social hours, while his official deliverances "only approached to English".* An English observer at Edinburgh,† in 1775, noted that the Scottish *literati* still wrote English as a foreign tongue, though Edinburgh society manifested a laudable desire to get rid of the Scottish accent, and was little inferior in politeness to London. By this date, however, the process of assimilation was rapidly leavening the higher classes with the spirit of English culture. It had become so marked as to rivet the captious eye of Dr. Johnson himself. The supercilious English moralist spent some time at Edinburgh on the occasion of his celebrated journey to the Western Islands in 1773. He carried away very pleasant reminiscences from the Scottish capital. "The conversation of the Scots," quoth he, rather patronisingly, "grows every day less unpleasant to the English; their peculiarities wear fast away; their dialect is likely to become, in half a century, provincial and rustic even to themselves. The great, the learned, the ambitious, and the vain, all cultivate the English phrase and the English pronunciation; and in splendid company Scotch is not much heard, except now and then from an old lady."‡

The practice of sending boys to Eton and other English public schools, which gradually came in vogue as the result of the Union, contributed to the process of leavening the educated classes of Scottish society with the culture

* *Scotland and Scotsmen*, I., pp. 212-13.

† *Letters from Edinburgh in the years* 1774, 1775 (Topham), p. 22.

‡ *Journey to the Western Islands*, p. 142.

of England. Sagacious men like Baron Clerk of Penicuik, who was one of the Commissioners of Union, sent their sons to the English schools, in order to fit them the better for the larger careers, opened up to them by that event. It was not without some compunction as to the effect of such a training on their patriotism, that men like Clerk resolved to take such an unusual step.* Previous to the Union, and for a considerable time after, it was the practice of young Scotsmen to repair to the universities of Holland, France, and Germany, to complete their training in the law, the classics, and the scholastic philosophy. The prevalence of this practice of travel in foreign countries in pursuit of culture, had elevated the reputation of Scotland for learning, which even the English critics of pre-Union times were forced to admit. The preference for English schools, which has developed into a craze in later times, while intelligible in the circumstances of the two countries during last century, has given birth to that questionable product, the Anglified Scot, who runs the risk of casting off his national sympathies in the atmosphere of English self-consciousness. Clerk's scrupulousness led him to counteract the danger of denationalisation by bringing home his son to finish his education at the University of Edinburgh. A Scottish aristocrat of the present day would hardly venture on such a step. The man who eschews the parish "kirk" for the episcopal chapel, because it is the fashionable service, sacrifices to the god of snobbery, instead of at the altar of patriotism, and patronises Oxford and Eton in deference to that species of Anglophilism, which unjustly depreciates the institutions of his country. This unpatriotic custom implies, of course, that the Scottish schools and the Scottish universities may be good enough for the people, but not for aristocratic and plutocratic fastidiousness. There was a time when this was not so, although the

* Clerk's *Memoirs*, pp. 86, 87, 99.

Union has unfortunately changed all that. The polished laird of Ochiltree* noted with regret, towards the end of last century, that the old custom of educating all the boys of a parish together in the parish school, was fast dying out. The practice had the good effect of lessening class distinction, at an age when the generous feelings of youth have not been warped by the narrowing influences of rank or wealth. It tended to beget a kindly interest in after life, which is entirely excluded by the present system of education in classes. The sons of the nobility and gentry, who trudged together to school with the children of the farmers and cottars of the parish, carrying their dinners along with them, had a better chance, under this old-fashioned system, than in these degenerate days of strictly marked aristocratic and democratic schools, of cultivating those sympathies, which are so indispensable between the various orders of human society. So much the worse for aristocracy!

The growing intercourse, begotten by the Union, was especially discernible in the rise of an English literature north of the Tweed, which, in some respects, vied with the best productions of literary Englishmen. Scotsmen like Hume, Robertson, Adam Smith, and Reid strove to write a creditable English style, and succeeded in enriching the language with several classic productions. They were the forerunners of that still more splendid literary activity, which signalised the immortal epoch of Burns and Scott, and made Edinburgh for a time the literary centre of the empire! Nowhere was the refining influence of the Union more perceptible than in the eloquence of the pulpit. Carstares, and Wishart, his successor in the principalship of Edinburgh University, endeavoured, not without success, to improve the rude style of the conventional Scottish preacher, by infusing a more refined taste into their students. The vulgar and diffuse declamation, which

* *Scotland and Scotsmen*, II., pp. 57-59.

passed for prophetic exhortation, was gradually superseded by the more polished discourses of men like Dr. Wallace, Dr. Wishart, the son of the principal, and Dr. Patrick Cumin, styled "the Addison of Scottish preachers".* It was said, as a panegyric of Cumin, that "his sermons were perfectly intelligible to a man bred in London or Oxford". While Captain Burt, in 1730, falls foul of the uncouth severity, the priggishness, and the vulgarity of some of the clergymen with whom he came in contact,† Pennant, touring through the Highlands and Lowlands forty years later, notes a striking transformation of manners, as the result of half a century of more liberal culture. "The clergy of Scotland are at present much changed from the furious, illiterate, and enthusiastic teachers of the old times. Science almost universally flourishes among them, and their discourse is not less improving than the table they entertain the stranger at is decent and hospitable."‡ He compares the decorum of their lives very favourably with that of the sporting English parson. Symptoms of a broader theology appeared along with this refinement of manner and pulpit diction. The liberty of view, characteristic of many of the new school of preachers, and originating from the study of the works of great English divines, like Tillotson and Atterbury, was a sore affliction to the narrow men, who still declaimed, in the old desultory fashion, on the congenial theme of "the defection of the judicatories". Glasgow, which had long been the seat of the strictest Presbyterian orthodoxy, became notorious, in the Scottish ecclesiastical world, for the rise of a tolerant theological school, under the auspices of controversialists of the stamp of Leishman and Simson.

While Scotland is indebted to the Union for a gradual progress in literary refinement, it should not be forgotten by those who are inclined to magnify the benefits of the

* *Scotland and Scotsmen*, I., 252.
† *Letters*, I., 175.
‡ *Tour in Scotland*, p. 172.

English influence, that, in some respects, English statesmen and English reformers might have sat with advantage at the feet of Scottish legislators and jurists. It has been contended, not without reason, that the old Scottish Parliament had anticipated many of those reforms, which it has been the endeavour of modern liberalism to secure for the people. It is certain, at all events, that the old Scottish statute book contains many Acts, tending to secure the liberty as well as to foster the well-being of the subject, which even yet may stand as models of legislative wisdom. If the object of the unionists had been to amalgamate the legal systems of the two countries, as well as to unite them under one parliamentary constitution, the Scottish commissioners might well have claimed for their system of jurisprudence an evident superiority, in many points, over that of England. In their benevolent care of the poor, both from starvation and the litigious oppression of the rich, in the protection of the subject from arbitrary imprisonment, in the recognition of the right of all prisoners to be defended by counsel, in the establishment of an excellent system of popular education, in the humane restriction of the death penalty, the old Scottish Parliament had anticipated legislation which came to the people of England more than a century after the Union. To the unsympathetic Englishman, Scotland, even as late as the middle of last century, seemed a land of barbarians. The poverty to which the people had been reduced, and for which they held England largely responsible, partially justified the charge. But the institutions of Scotland were certainly not those of a barbarous people. Compared with those of England, or even of Europe at the period of the Union, they justify the assertion that Scotland stood then, in some respects, as it has ever since, in the front rank of the European nations. In striking contrast to the unwieldiness of the English system of jurisprudence, the sum of the admirable legislative wisdom of the Scottish Parliament, down to the period of the Union, was embodied in three duodecimo volumes.

"And yet," remarks one* who might claim, from special knowledge, to be a capable critic, "in these little volumes, we hesitate not to say, is to be found more of the spirit of real freedom, more wise resolution and practically beneficent legislation, better provision for the liberty of the subject, and a more equitable settlement of all the objects of the popular party at this time, than is to be found in the whole thirty quarto volumes of the statutes at large, and all the efforts of English freedom, from Magna Charta to the Reform Bill. In truth, the early precocity of Scotland in legislative wisdom, and the extraordinary provisions made by its native Parliament in remote periods, not only for the well-being of the people, but for the coercion alike of regal tyranny and aristocratic oppression, and the instruction, relief, and security of the poorer classes, is one of the most remarkable facts in the whole history of modern Europe, and one well deserving of the special attention of historians and statesmen, both in this and the neighbouring country."

Those who write, or speak, in ecstatic terms, of the immediate benefits conferred by the Union on Scotland forget one significant fact. For nearly half a century the Union effected little improvement in the relations of the two peoples, or amelioration of Scottish poverty. Writers like Ramsay, who lived through the greater part of this critical period, confess their astonishment at the limited intercourse between England and Scotland from 1707 to 1745. Complaints are frequent enough of the growing absorption of the Scottish nobility and gentry, by the allurements of the British capital. But there was nothing approaching mutual knowledge during that period. One who attempted to enlighten his countrymen on the state of Scotland, at the end of the first quarter of the eighteenth century, prefaced his account with the remark, "that there has been less written on the

* Alison, *Blackwood's Magazine*, 1834.

subject than on either of the Indies".* His letters were partly dictated by the laudable aim of dispelling the fallacy of the conventional Englishman, "who will not allow or won't own, that there is any good thing on this side the Tweed". There was as little knowledge of Scotland, even among the members of a responsible Government, as of some distant country. "The English ministers," says Ramsay, "did not know much more of Scotland than they did of Tartery."† No Government was ever less fitted, by knowledge or sympathy, to govern a people in accord with its wants. The wonder is that a treaty between two nations, practically foreign to each other, worked so smoothly. Fortunately, the long peace which succeeded the Treaty of Utrecht, tended to consolidate the Union.‡ Fortunately, too, the administration of the country was left in the hands of Scotsmen. The Government was happy in the choice of the men, to whom they entrusted the destinies of Scotland, during this critical period. Roxburgh, Tweeddale, Dundas, Duncan Forbes, John, second duke of Argyle, and his brother, the earl of Islay, afterwards third duke, devoted their talents and their ambition to this difficult task. The obligations of Scotland to lord Islay in particular find ample acknowledgment in the political literature of the time.§ Of him, it has been said by a contemporary, that "he was not only the wisest and greatest minister, but also the most enlightened patriot Scotland has produced".‖ It was no easy task to conquer the dislike of a treaty, that seemed to the average Scotsman the charter of his country's slavery, and that had been the precursor of a series of arbitrary and unpopular measures. Old Colonel John

* Burt's *Letters*, I., p. 5.

† *Scotland and Scotsmen*, I., p. 48.

‡ T. Delolme, *Essay on the Union*, p. 25.

§ See especially the dedication of Lindesay's *Interest of Scotland considered*.

‖ *Scotland and Scotsmen*, I., p. 87.

Erskine, who, zealous Whig though he was, continued to rail at the Union, even after some of its good effects were perceptible, was the type of many an irreconcilable, on grounds of sentiment, if not of utility. It was long before prejudice could bring itself to surrender to the logic of facts. The prejudice was not all on the Scottish side, as the churlish superciliousness of a Johnson sufficiently indicates. "It was chiefly from books, or the Englishmen who held offices in Scotland," remarks Ramsay,* "that we formed an estimate of our great and enlightened neighbours. If the Scots were overrun with national and local prejudices, the English, with all their boasted advantages, were not one whit more liberal-minded or better informed with regard to North Britain and its inhabitants." In the latter half of the eighteenth century, the prejudice was beginning to wear off. The appreciative intercourse of the literary classes was followed by the diffusion of a kindlier international sentiment among the merchant and artisan classes on both sides of the border. The national pride, which the Scot never relaxed, all the same, in the presence of his southern compatriot, and which is partly to be traced to the superior training of his parish school,† is finely illustrated by the remark of the Scottish gardener, who, like many of his enterprising countrymen, had learned to know the Englishman in his own country. "Though God," wrote he to his friends at home, "has not given the Englishmen over much wit or sense, yet they are braw bodies to live wi'."

The Union had been in operation for over a quarter of a century, and still the complaint of poverty and oppressed trade arose from the discontented Scots. The era of prosperity, glowingly pictured by the advocates of incorpora-

* *Scotland and Scotsmen*, I., pp. 309-10.

† Miss Wordsworth (*Recollections of a Tour made in Scotland in* 1803, p. 15) records, as a remarkable fact, her meeting with a number of lads without shoes or stockings, at the village of Wanlockhead, who, much to Coleridge's surprise, could read Virgil, and some even Homer!

tion, was yet to come. So far their sanguine confidence had not justified itself. The blessings of free trade, with which they had enforced their arguments, had come in driblets, and had been counterbalanced by the burden of increased taxation, culminating in the levy of the malt tax. An English traveller observes, on crossing the border in 1727, the contrast between the want of plantation, of enclosed pastures, of adequate cultivation, of the superior agriculture of England. At Haddington he finds an indication of the adverse working of the Union in the case of a woollen cloth manufactory, whose produce had been undersold by the woollen stuffs of Gloucester and Worcester, after the removal of the prohibitive duties on English manufactures. Our English critic is disposed to be apologetic and even appreciative; but he raises his voice in frequent remonstrance against the want of enterprise, which is only, at rare intervals, found to be in a nascent state, and which, trammelled by poverty, depression, and sloth, has not as yet taken adequate advantage of the opportunities afforded by free trade with England. "The people all over this country," he remarks, speaking of the south-west of Scotland, "not only are poor, but look poor; they appear dejected and discouraged, as if they had given over all hopes of ever being otherwise than they are."* The people of Galloway have a sea full of fish at their doors; yet they neither fish, nor trade, and content themselves with rearing cattle for the English market. Ayrshire, where Cromwell's soldiers had taught the natives the advantage of enclosures, is discovered to be in advance of the rest of the country; and our traveller, on beholding rich meadows and fat herds, feels himself in England again. Glasgow, "the cleanest and beautifullest city in Britain, London excepted," is in a hopeful way of improvement, the merchants there sending fifty sail every year to the American colonies; but it is in great need

* *Tour through Scotland by a Gentleman*, p. 69.

of a canal to connect the Clyde with the Forth, and stimulate the trade with London and the east coast. The manufacture of serges at places like Stirling has suffered no loss from the Union, and the same remark applies to the linen manufacture at places like Linlithgow and Kirkcaldy. Fife is a rich corn province, and exports to England; and Dundee is developing its trade. These few facts are the chief redeeming features of a generally depressing picture. Poverty, decay of trade, want of employment, an occasional bad harvest, are still the outcry of the patriot. Men thought on these ominous facts, and quarrelled with the terms of the Union, and the treatment of Scotland at the hands of the selfish English. The enterprise of Glasgow, so favourably noticed by our English traveller, was shackled by the jealousy of the merchants of Bristol, whose trade with Virginia and Maryland it was beginning to injure. The sum directed by the fifteenth article of the treaty to be devoted out of the equivalent, to the encouragement of Scottish manufactures and fisheries, had not as yet been forthcoming. The Convention of Royal Burghs petitioned George I. in 1726 for the redress of this grievance. A reply was received from the king, requesting the Convention to submit suggestions as to the means of its effective application, and expressing the royal anxiety to contribute towards the material prosperity of Scotland.* As the result of their proposals, an Act was passed for the encouragement of the linen trade. It is an agreeable exception to the rule of captious objection to the measures passed by the British Parliament, in reference to Scotland, to find this Act earning the enthusiastic admiration of a Scotsman, well qualified to pronounce a judgment. "Never was any law better concerted to answer the great and good ends proposed by it; a law, so well contrived for the good of the country, well deserves the consideration of every one who loves his country."†

* *The Interest of Scotland considered*, by Patrick Lindesay, pp. 5-18 (1733).
† *Ibid.*, p. 95.

Another Act directed the immediate appropriation of the funds in question, which had accumulated to a considerable sum,* to the purposes assigned by the treaty. The administration of the sum was committed to a Board of twenty-one commissioners, who subsequently became the Board of Manufactures, with extended powers.† By collecting and diffusing information on the commercial capabilities of the country, the Board commenced a long period of beneficial activity, which, though it bore but very gradual results, laid the foundation of subsequent commercial and industrial expansion. Public-spirited men like Patrick Lindesay, the lord provost of Edinburgh, and Duncan Forbes of Culloden, the lord advocate at this period, and afterwards president of the Court of Session, exerted themselves to second these official efforts, by giving the public and the Government the benefit of their observations and suggestions.‡

The former, in a work full of sagacious advice, sought, in the first instance, a radical remedy for the national depression, in the practice of the civic virtues. Idleness, in whatever class it may be manifested, he held to be the prime cause of poverty and weakness. Its baneful effects were not to be obviated by mere outcry against the Government. The long spell of commercial adversity had lowered the national character; and it was necessary to point out to a people, enervated by poverty, the sure way of regeneration,—the remedy of earnest application. Our author is not one of those who decry the Union as dooming Scotland to impotence. He takes it as the beneficial condition, under which the nation may raise itself from impotence, by

* It amounted to about £20,000. Bremner, *Industries of Scotland*, p. 216.

† Clerk's *Memoirs*, pp. 132-133.

‡ See also a paper by Ker of Kersland (*Memoirs*, II., pp. 125-171), entitled *Reasons for Encouraging the Manufactures in Great Britain*, in which he advocates the introduction of the cotton manufacture into Scotland, and the establishment of distilleries, in competition with the Dutch.

the exertion of its own energies, the development of its own resources. His motto is, Try to improve yourselves—with energy and time you must succeed. "The best patriotism," he remarks, in giving a thrust to the dominant tendency to mere political denunciation, "is to be diligent and regular in our application to business, and frugal in the management of our private affairs. And so far every one acts the part of a patriot as he promotes and advances his own interest and prosperity; he thereby contributes towards the advancement of the interests of the public, which consists of and comprehends the whole." *

He advocates the establishment of workhouses, in which convicted thieves and beggars should be compelled to spin and do other useful work. Orphans and the children of indigent people should be trained, in industrial schools, in some useful trade. The introduction of the English mode of renting farms for three lives, and the English method of cultivation would, he thought,—though the conclusion has been questioned in practice,†—remove a primary cause of poverty by perfecting the wretched state of husbandry. The Scottish farmer had indeed a lease, but it was too short to repay the trouble of improving his farm, which consequently depreciated in value through his occupancy. He attacked the exclusive and oppressive privileges of the trade guilds, which hedged the crafts of the royal burghs from outsiders, and stifled healthy competition and expansion. For over a century there had existed a spirit of hostility between them and the unprivileged burghs of barony and regality; and much litigation had ensued over the effort to put down the illegal competition of these vigorous rivals. The privileges of the royal burghs, of which Lindesay complains, though they gradually became a dead letter by the expansion of trade, in

* *Interest of Scotland considered*, pp. 16-17.

† The duke of Argyle, in *Scotland as it was and as it is*, pp. 424-25, declares, on the ground of experience, gained in the management of his own estates, against the practice. It was followed by no improvement.

villages, that soon rose to be cities, were not formally abolished by Act of Parliament until 1846.

With the object of showing how the defects of the commercial system might be remedied, he gave an interesting review of Scottish trade, at that period, with the various countries of Europe. The export to Norway and the Baltic consisted of malted barley and other grain, fish, and coarse woollen stuffs. These equalled in value the imports from Hamburg, Bremen, and the Baltic ports. The Dutch furnished the Scots with velvet, lace, cambrics, and some Indian goods; but took, in return, but a small quantity of lead and woollens. Here, he exclaimed, is scope for our enterprise, in developing the manufacture of fine linens, and thus reducing the balance against us. The French trade was almost entirely a loss to Scotland. In exchange for the large quantities of wine and brandy imported and largely smuggled, France took but a trifling quantity of lead, salt, salmon, and, occasionally, a little wheat. The articles supplied by Spain, Portugal, and the Mediterranean were of insignificant value, and the exports correspondingly small. The trade to the Plantations had already become a source of gain, though it was shared largely by England, since the exports consisted partly of English-made goods. The coal trade with Ireland balanced the import of dressed leather, hides, and oatmeal from thence. The quantity of goods brought from England, consisting of woollens, silks, cottons, tools, furniture, etc., formed a heavy item, which was not balanced by any adequate exchange of cattle, sheep, butter, eggs, salmon, etc. This loss might, however, be made good by the enclosure of pasture land, improved tillage, and the rearing of large herds. The vicious practice of absenteeism had already begun to tell, with deleterious effects, on the country districts, which were deprived of the large sums spent by the landowners in the British capital. The absentee nobility and gentry, he laments, drain the country of a large part of its ready money, without any return whatsoever. To remedy the inequality of the

English trade, aggravated by this dead loss, he advocated the increased and improved production of goods, which would sell in England at a profit, and the manufacture of articles, which the Scots might make for themselves more cheaply than could be done in England. He, rather short-sightedly, advised them to leave the manufacture of woollens in the hands of the English, and to put all their strength into the development of the linen manufacture. This had always been the staple industry of Scotland, as the woollen manufacture had been that of England. Now that the Union had secured the advantages of a common administration, and a common commercial policy, it was, he contended, no less the interest of England to promote and advance the linen trade of Scotland, than it was our interest to encourage, by our consumption, the woollen manufacture of England. England had now a motive for taking its linen from across the border, rather than from Holland, France, Germany, or Russia, which it did not previously possess. The more linen the Scots could sell in the neighbouring country, the more woollen goods would they be able to purchase in return. The Legislature might be trusted to further the interests of the United Kingdom ; but excellence of production, which was after all the main thing, depended on the Scottish manufacturers themselves. Highly-trained workmen, rather than Acts of Parliament, was the first desideratum ; attention to the capabilities of the Colonies to supply raw material, and take manufactured goods in return, the second. Careful rearing and preparation of flax, the introduction of trained flax-dressers from Flanders, to perfect the native dressers in the art, the establishment of spinning schools to instruct in fine workmanship, the distribution of prizes to those who excelled, the grant of a premium for every acre sown with flax, improved bleaching, and the abolition of the duty on foreign materials used in the process, the use of presses in the finishing of goods—by such reforms, some of which were partially put in practice under the auspices of the commissioners, would

the spirit of industry be fostered and commercial prosperity revive.*

The keen eye of Forbes was watching the economic condition of the country, throughout this critical period, and his active mind busied itself with the problem how to render it prosperous. The outlook at the beginning of the fourth decade of the century was very disheartening. The most deplorable feature of it was, in his view, the marked decrease in the revenue. The income derivable from the excise had fallen during the ten years from 1733 to 1742 from £41,000 to £22,000. The total revenue amounted, in the latter year, to little over £30,000. Bankruptcy stared the president in the face, and he saw no other remedy but to delay payments by the exchequer. His own salary, and those of all the other judges, were twelve months in arrear. One of the prime causes of this alarming decrease was the abuse of smuggling, which had become so popular since the Union, that it was scarcely possible to get a jury to convict an offender. The excessive use of foreign spirits, thus illegally imported, tended both to demoralise the people, and to ruin the landowner by cheapening the price of grain. To a high-minded man like Forbes, not the least reprehensible feature of the practice was the want of honour and patriotism which it revealed.† The use of cheap smuggled tea, instead of beer, was another potent cause of the declension of the public revenue, and the president pours forth the brimful phial of his indignation against "the vile drug". "The cause of the mischief we complain of," wrote he in a report to the marquess of Tweeddale, "is evidently the excessive use of tea, which is now become so common that the meanest family, even of labouring people, particularly in boroughs, make their morning meal of it, and thereby

* *Interest of Scotland*, pp. 99-185; *cf. Tour through Scotland in* 1727, pp. 143-46.

† See two tracts, entitled *Some Considerations on the Present State of Scotland*, 1744, 1745, which were probably written by Forbes.

wholly disuse the ale, which heretofore was their accustomed drink; and the same drug supplies all the labouring women with their afternoon's entertainment, to the exclusion of the twopenny. The Ostend Company first, and afterwards that settled at Gottenburgh, not only filled the most of Europe with tea, but, by necessary consequence, brought down the price of it very low. Several persons belonging to this country, of low, if not of desperate fortunes, were concerned in the service of these companies, particularly of that of Gottenburgh. They run (smuggled) their low-priced tea into Scotland, and sold it very cheap; a pound went from half a crown to three or four shillings. The good wife was fond of it because her betters made use of tea; a pound of it would last her a month, which made her breakfast, as she made no account of the sugar, which it took up only in ounces. In short, the itch spread; the refuse of the vilest teas were run into this country from Holland, sold and bought, at the prices I have mentioned; and at present there are very few cottars, in any of the boroughs of this country, who do not sit down very gravely with their wives and families to tea. It is above seven years since I foresaw, or rather saw this abuse, and warned against it. The better sort of the commonalty first gave in to it, and of course left off their morning drink of ale, which impaired considerably the excise. But when by degrees the commons, within boroughs, almost universally followed the example, the use of ale and beer, for mornings and afternoons, was almost wholly laid aside, and the revenue of excise has sunk in proportion as the villainous practice has grown." *

The remedy he proposed was a very drastic one. An Act of Parliament should be passed to prohibit the use of tea by that class of society, whose circumstances made it impossible for them to buy tea, that paid duty. He submitted that a wise and free State might justly take upon

* *Culloden Papers*, p. 190.

itself the responsibility of regulating the diet of its citizens, and elaborated a scheme by which the pernicious luxury of the poor man might be controlled, in accordance with the general principle laid down. In these days of indigestion and nervous ailments, the zeal of the worthy president —himself king of claret and toddy drinkers—on behalf of the public health and the public revenue, will not appear altogether ridiculous, though it must ever load his memory with the execration of the modern fair tea drinker!

The commercial prospect was equally pessimistic. Apart from the linen manufacture, which had shown a steady increase since the appointment of the commissioners, the prosperity of the country was at zero. "The fishery has totally failed for some years; the foreign trade of Glasgow, which is chiefly the West Indian and American, is pinched by the war with Spain; that of the rest of the country is worse than nothing; it is pilfering from the revenue and picking the pockets of any ready money they have, to pay for forreign bouvrage, which supplants the growth of the consumption of our own estates. The mercat for the serges and stockings of Aberdeenshire has fallen, they say, by reason of the war with Spain; and there is remarkably less coin to be met with than ever was at any time, within memory knowne, even in this poor country; occasioned chiefly by the gradual but continual exportation of our bullion for tea, coffee, and forreign spirits, and rendered severely sensible by the great import of grain during the late scarcity, which, falling in with a season, when the exchange was considerably against us, raised that exchange so high that *de facto* almost every one, who had occasion to make remittances, made them in gold. And this circumstance has so thoroughly drained the country of gold, that paper is the only coin one sees, and even it is far from being in any tolerable plenty." *

Gloomy as the prospect was, the dawn of a period of

* *Culloden Papers*, pp. 188, 189.

brilliant progress was at hand. The half-century following the rebellion of 1745 is as remarkable for the rapid development of the resources of Scotland, as was that, which preceded it, for depression, poverty, and discontent. No less remarkable was the change that passed over public opinion in regard to the material benefits of the Union. It could now claim warm friends, where before it could only boast of halting apologists.* Its implacable enemies were gradually thinned out to the rare oddities, who refuse to move with the age. A better system of agriculture, on the English model, gradually increased the value of the land and the extent of cultivation. The Society of Improvers in the Knowledge of Agriculture in Scotland, founded in 1723, helped to enlighten, by their example in enclosing, draining, and tilling the soil, the benighted Scottish farmer. To fatten his stock it was necessary to enclose the grazing lands, to improve them by the cultivation of artificial grasses, and to supplement these with root crops. Progress was slow; but the moment the farmer began to see that it was his interest to rear better cattle and improve his dairy produce, progress was inevitable. Lord Kames, the dukes of Argyle and Gordon, the earls of Eglinton, Rothes, and Findlater, and the marquess of Tweeddale were among the most enthusiastic of these agricultural reformers, in the latter half of the eighteenth century, as Fletcher, Belhaven, Cockburn of Ormiston, and Haddington had been at the beginning. The vast tracts of waste land were gradually reclaimed by the proprietors as their resources in capital increased. The old township farms—farms occupied by several tenants using the pasture in common, and cultivating the arable land in runrig, which precluded independent enterprise, and kept both the soil and its tiller miserable—gradually disappeared before the advancing

* *The Scotch Prophecy*, or the lord Belhaven's remarkable speech before the Union, examined and compared with the articles afterwards concluded and now subsisting, wherein the advantages accruing to Scotland by the Union are discovered. By Reay Sabourn (1737).

energies of the century, to linger in our own day in the poorest and most remote of the Hebrides. The change in the methods of farming amounted to a silent revolution. "Before this society commenced," wrote an authority on agriculture, in 1757, "we seemed to have been several centuries behind our neighbours in England; now I hope we are within less than one of what they are, either in regard to husbandry or manufactures." The movement bade fair to secure for Scotland, in spite of a capricious climate and a poor soil, a place in the front rank of agricultural industry.*

The progress of the country in commerce and manufactures, after the protracted interval of discontented poverty, is equally striking. Lindesay had not in vain exhorted his countrymen to throw their energy into those branches of industry, which seemed to promise redemption from the bane of a paralysing depression. The long-expected revival at length began to show itself, after 1745, in the increasing influx of work and wealth. In the year in which the Scottish rebellion was crushed at Culloden, the third of the Scottish banks was established. It bore the significant name of the British Linen Company of Scotland. Its foundation was the outcome of a patriotic endeavour, headed by the duke of Argyle and other public-spirited men, to develop the linen trade by advancing money to the manufacturers. The linen industry was the first to feel the benefit of the new *régime*. The number of yards annually manufactured had risen from about 4,500,000 in 1732, representing a value of £168,322, to 7,353,098 in 1748, valued at £293,864. In 1798 the total number of yards was over 21,000,000, amounting in value to £850,403. In 1822 the number had risen to 36,000,000 yards, representing a value of about £1,400,000. The woollen manufacture, which was in its infancy when Lindesay wrote in 1733, had likewise made a comparatively

* The development of Scottish agriculture is treated by the duke of Argyle in *Scotland as it was and as it is*, pp. 197-203, 384, etc.

rapid advance before the end of the century. It found an ardent champion in David Loch, who, by his essays,* published in 1778, did for this industry what Lindesay had accomplished for the linen manufacture. He advocated improvements in the breed of sheep, and promised his compatriots an enormous acquisition to the wealth of the country, besides increased facilities for marriage, and consequent increase of population. His countrymen took his advice, with the most ample results in both respects. Stirling, Alloa, Montrose, Kilmarnock, Ayr, Melrose, Hawick, Jedburgh, Galashiels, Perth, Inverness, and Aberdeen, became busy centres of this industry. In the last years of the century, the use of new appliances inaugurated that increased development, which has since added so much to the manufacturing wealth of the country. The manufacture of cotton was of late introduction. In 1787 there were only nineteen cotton mills in Scotland; but the application of power looms in 1796 resulted in a rapid increase in their number, until, in 1830, the total had risen to 134, and the number of looms to 14,000. In 1760 the production of silk gauze was commenced at Paisley. There were 5000 looms at work, which turned out silk fabrics to the value of £350,000. The papermaking industry, started at Penicuik as far back as 1709, made but little progress during the eighteenth century. In 1773 there were twelve paper mills at work in the vicinity of Edinburgh; and a considerable portion of their product of 100,000 reams was despatched to London. In 1780, Edinburgh, with twenty-three printing offices, had obtained that leading place in the printing trade of Great Britain, which it has since maintained. In 1765 the foundation of the Scottish sugar refining industry was laid, by the establishment of a refinery at Greenock, by a company of West India traders. The brewing of ale and the distilling of whisky had also entered on the first stage of that large develop-

* *Essays on the Trade, Commerce, Manufactures, and Fisheries of Scotland.*

ment, which this century has witnessed, and which formed, even in the last, a not inconsiderable element of Scottish export trade. The initial exploitation of the mineral resources of the country,—destined to exert so vast an influence on industrial production,—is another feature of the history of the century, in which the Union was consummated. The revolution operated by the application of steam power, in the sinking and working of mines, had begun before the close of the century. In 1762, the first steam engine was employed in the working of a coal pit in Scotland. Two years earlier, the establishment of the Carron Iron Works marks an epoch in Scottish industrial history. The first furnaces had been built about ten years before, at Goatfield and Bunawe in Argyleshire. By the year 1796, seventeen blast furnaces were in operation. throughout the west of Scotland, yielding 18,640 tons of iron.

Shipbuilding, to which this industry has since given such an impetus, had similarly established itself as one of the great industries of Scotland. In no particular did the poverty of Scotland more strikingly betray itself than in the paucity of ships, built and owned in Scotland, at the time of the Union. After the civil wars of the seventeenth century, the Scots had been compelled to carry on their foreign commerce, small though it was, largely in Dutch vessels. In 1656 there were only fifty-eight vessels, with a total of 3140 tons, belonging to the five ports of Leith, Dundee, Glasgow, Kirkcaldy, and Montrose.* In 1692 the number had risen to ninety-seven, representing a total of 5905 tons. What little shipbuilding there was, was confined to the ports of the east coast; but in 1716 a beginning was made on the Clyde, in that branch of industry, in which it has for long enjoyed a world-wide renown. In that year, a sailing ship of sixty tons, destined for the American trade, was launched.† Twenty

* Seton's *Interest of Scotland.*

† Brown's *History of Glasgow*, I., p. 37. In addition to the sources referred to, the above facts are taken from Lindesay's *Interest of Scotland;*

years later, the chronicler of Glasgow records with pride that there were forty-seven square-rigged vessels and twenty coasters belonging to the Clyde. In 1792 the total had risen to 464, of 46,806 tons burden. As the result of similar activity in the ports of the east coast, the number for the whole of Scotland, which in 1760 was 999, had attained the comparatively large figure of 2415, having a tonnage of 171,728, and giving employment to 14,820 seamen. These figures are a significant presage of the vast development, consequent on the introduction of steam propulsion and the construction of huge steamers, that was to revolutionise the shipbuilding of the future.

The development of the fisheries is another feature of the progress of Scotland after the Union; though the progress, owing to the imposition of the duty on salt, size duties, and other vexatious restrictions, was very slow. Several societies, patronised by royalty, were established to encourage deep sea fishing, by granting a bounty on every vessel above a certain tonnage. The slow development of the industry did not answer the high expectations formed of the operations of the Society of Free British Fishery. It was not before the end of the century that an observer, on comparing the returns of the previous half-century, found any appreciable advance, as the result of careful encouragement. Whereas in 1753 only eight vessels, yielding 519 barrels, were engaged in deep sea operations on the north-eastern coast, the number of boats had increased by 1796 to 292, with a yield of 53,875 barrels.* The appointment, some years later, of commissioners to supervise the industry, and encourage it by regular bounties, inaugurated the rapid and enormous development, which was reserved for the nineteenth century.

The industrial progress within a hundred years of the

MacIntosh's *History of Civilisation in Scotland*, Vol. IV.; Bruce's *Report on the Union*, Vol. II.; Bremner's *Industries of Scotland*.

* *History of the Union*, by the Rev. Ebenezer Marshall (1799), pp. 225-227.

Union, represented by the foregoing figures, is emphasised by a comparison of the revenue returns at the beginning and the close of the century. Commerce had kept pace with industry, in the steady advance from depression to prosperity. The trade with the Colonies had speedily afforded a field for the enterprise of the citizens of Glasgow. A thriving trade with America began to develop itself within a few years after 1707. Manufactured goods were carried across the Atlantic, in return for the products of Virginia and Maryland. Without ships of their own, the Glasgow merchants chartered Whitehaven vessels, until their own skill and enterprise supplied them with an ever-growing fleet of Clyde-built ships. In 1735, these ships made voyages, not only to the North American Colonies, but to Jamaica, Barbadoes, Antigua, the Straits, and Gibraltar. Coasters supplied the English, Dutch, Swedish, and other continental markets with the products of many a distant shore, landed on the quays of Glasgow. Of 90,000 hogsheads of tobacco, for instance, imported into Great Britain in 1772, 49,000 were landed on the Clyde.* Commercial prosperity came more slowly to the other parts of the country; but Leith, Dundee, Aberdeen, and the smaller east coast towns, gradually became the centres of an equally thriving, though more limited, trade. Of this, the following general returns bear evidence. At the date of the Union, the revenue derived from customs and excise in Scotland amounted to £63,500. In 1797 it had increased to £1,126,420 17s. 4d. The augmentation in the value of the Scottish exports and imports, from the middle to the end of the century, is equally decisive. In 1755 goods to the value of £284,700 were exported; in 1797 the amount had risen to £1,037,676. The imports were valued, in 1755, at £465,411; in 1797, at £1,493,084.†

The testimony to the increasing wealth of the country, afforded by statistics of population, is no less significant.

* Pennant's *Tour in Scotland*, II., pp. 150-151; *cf.* Lettice's *Tour*, p. 82.

† Bruce's *Report on the Union*, Vol. II.

In 1755, the epoch from which the beneficial effects of the Union began to assert themselves, the population of Scotland was estimated at 1,265,380. At the commencement of the nineteenth century it had increased by more than one half, and stood at 2,093,456 in 1821. The greatest increase had been in the larger towns, and in many of those burghs and villages, which had experienced the impulse of industrial progress. Some of the rural districts, owing to the combined influences of agricultural and industrial improvement, had likewise shared in the increase. The rapid growth of Glasgow is evidenced by the fact that the number of its inhabitants increased, within this interval, from 31,840, to 151,368.* Edinburgh augmented its population during the same period, from 47,815, to 112,235.†

The beneficial change, indicated by these figures, cannot be gainsaid. It is in their light that the arguments of the champions of the Union, on commercial and industrial grounds, come back with indisputable force, in spite of the long interval of discontent, that casts its gloom over the national history between 1707 and 1745. The feeling of satisfaction found ample expression, by the end of another fifty years, in the congratulatory strain of the merchants and manufacturers, whose transactions had increased so materially, and of the agriculturist, who was rapidly acquiring wealth from higher prices and better cultivated lands. "Queen Anne," complacently remarks one of these opulent worthies, "had the felicity of making an union which we trust will never be broken. It totally changed the face of affairs with every description of Scotchmen." ‡ To ascribe all the advance directly to the treaty of Union, as is usually done, is to show a want of discrimination. Much of it was directly due to the spirit of invention, both in Scotland and England, which would, doubtless, have asserted itself apart from any political measure, like the Union. The

* *Political State of Scotland from* 1707 *to* 1832, by John Wilson, p. 39.

† *Ibid.*, p. 31.

‡ Brown's *History of Glasgow*, II., p. 167.

invention of the steam engine, which has revolutionised the world, politics notwithstanding, must have told with beneficial effects on the future of Scotland. That discovery, be it remembered, was the triumph of a Scotsman, James Watt, in circumstances the reverse of prosperous. The application of steam to navigation is the work of two other Scotsmen, Bell and Symington. The world is indebted to Scotland for other achievements, hardly less important in the development of science and industry. To ascribe all this to the Union is very far-fetched. It would be to assume too much to conclude that Scotland would not have participated in the vast benefits of the inventive spirit of her own sons, if there had been no incorporating union.* There is as little reason for this assumption, as in the case of other small European countries, like Belgium, Holland, or Denmark, which have shared so richly in the vast industrial progress of Europe. Had Scotland remained independent of England, its advance within the last century and a half would probably have been no less striking. Belgium and Holland have been often exposed to the menace of invasion from France; nevertheless, neither country is a whit behind its mighty neighbour in wealth and refinement. Moreover, it must not be forgotten, though Englishmen talk and write too frequently as if they ignored the fact, that in the making of the British Empire, which has expanded so mightily since the Union, Scotland has borne her full share. The Scottish soldier, merchant, statesman, colonist, and explorer have done, relatively speaking, at least as much as their English compatriots in increasing the extent and developing the trade of the British dominions. If all manner of benefits are to

* An observant Englishman, travelling in Scotland in 1785, and reflecting on this question, admits that Scotland would doubtless have retrieved its poverty apart from the Union, by the ultimate development of its own energies, though he expresses his thankfulness that it was not left to solve the problem in this way.—See *Tour in Scotland in* 1785 *by an English Gentleman* (Newte).

be ascribed to the Union, let it be remembered that Scotland has contributed her full share of them; and that, without her co-operation, the blessings would have been much more limited. The Greater Britain of 1707 was, comparatively speaking, but a speck on the earth's surface. Since then, the vast fabric of Imperial Britain has grown up out of the mighty stretches of several continents. Australia, India, South Africa, and the greater portion of North America, were added after the Union. In this vast undertaking, Scotsmen, as well as Englishmen, Irishmen, and Welshmen, have played no insignificant part. If, therefore, the Union was a benefit to Scotland, it was, in some respects, no less a benefit to England. To neither country could it have brought that increase of wealth and territorial grandeur, which have gradually enhanced the renown and the prosperity of Great Britain, had not the spirit of invention and enterprise developed the resources of the united nations. We may allow to the Union, however, the merit of placing the two countries in a relation of legislative harmony and commercial interest, well fitted to foster a great history—to retrieve the poverty of the one, to increase the strength of the other. It is no small praise of such a measure, that it proved no hindrance, but rather the contrary, to the progress of world-wide empire, which destiny has marked out for this united island. Free trade and mutual friendship—compatible, as it was deemed, only with legislative unity—were indispensable to the command of the world's commerce, to the development of the mighty empire, which neither singly could have achieved, or maintained. The value of this relation to Scotland, only the ignorant or prejudiced will deny; its worth to England, let the fact that the British Empire has risen since the Union, as the fruit of the united energy of both peoples, sufficiently emphasise.*

* Knox (*A View of the British Empire, more especially Scotland*, 1784) demonstrates the very appreciable source of profit which Scotland had become to England by means of the Union. The increased value of landed

These remarks in reference to the international intercourse between the two peoples, and the march of industrial progress in the eighteenth century, apply largely to the Lowlands of Scotland. At the period of the Union, the Highlands were a foreign land, not merely to Englishmen, but to the inhabitants of the Scottish Lowlands themselves. The state of society, beyond the line of the Grampians, was as distinct from that of a city or county south of them, as if it had been separated by many miles of ocean. It was almost entirely a pastoral land, divided amongst numerous clans, under the patriarchal government of their chiefs. Allegiance to the chief was stronger than allegiance to the king; and though the Scottish kings had succeeded in reducing these turbulent potentates to subordination to the crown, the frequent rebellions, which signalised the century from 1650 to 1750, showed that they had their own forcible way of settling questions of succession, and defying the law of the land. The sword was equally the arbiter in the settlement of tribal disputes. The union of the two kingdoms could not fail to affect, in a marked degree, the destiny of the Highlanders, whose history and institutions had hitherto presented so many contrasts to those of England, or of the rest of Scotland. One fact, in particular, is of the utmost significance in this respect. The Union of 1707 placed in the hands of the Lowland Scots,—the hereditary enemies of the greater part of the clans,—the whole resources of England, in curbing and influencing the turbulent spirit of their lawless neigh-

property, and the rise in the rents, consequent on better cultivation, filtered largely into the pockets of London tradesmen by the resort of the Scottish gentry, with increased means of spending, to the centre of society. Similarly the increase in the general wealth of the people and the prosperity of the towns had made Scotland a far larger purchaser of English manufactured goods, and thus very materially contributed to the prosperity of England. After the revolt and independence of the American colonies, Scotland, in fact, remained the principal mart for English manufactures. To improve the condition of Scotland was, therefore, the true policy of England.

bours. Henceforth the strength of an united kingdom is marshalled against the power of the chiefs, and it is evident that "chiefery," both as a social and political power, is doomed. Its doom was, as we have seen, sealed by the suppression of the rising of 1745; but not until its prowess had carried war into the heart of England, and filled the English capital itself with consternation. After the sword of the stronger had done its work, in uprooting the strength of Celtic patriarchalism, came the gentler, though no less revolutionary influences of a more advanced civilisation. These influences had, indeed, been in operation before the "forty-five". The great military roads constructed by General Wade, and begun after the rising of 1715, had opened up these remote glens to the traveller, the merchant, and the farmer. The beginning, too, of an improved system of agriculture had been made, before Prince Charles raised the standard of James VIII. in Glenfinnan. The failure of that attempt brought in its train alike retribution and reform, in the disarming Act, and in the abolition of those feudal jurisdictions, which was at the same time a crushing blow to the patriarchal power of the chief. Henceforth the Highlands were brought, without possibility of serious recoil, within the radius of the civilising power of the Union.

If progress was slow in the Lowlands, it was slower still in the Highlands. If the former seemed to the ordinary Englishman of the first quarter of the eighteenth century as foreign a country as the Indies, the latter appeared to his imagination as much a *terra incognita* as the interior of Africa! Among the Greeks and the Romans those rugged mountains had passed as the haunts of monsters and other fearful deformities. To the Englishman of a hundred and fifty years ago, they harboured nothing but robbers and bloodthirsty savages! The accounts of English travellers, from Captain Burt to Samuel Johnson and his successors, were by-and-by to undeceive them, and reveal the singular fact that these so-called savages prided

themselves upon the rank of gentlemen! But whatever their pride of ancestry, of clan association, of honour and fealty, a nearer acquaintance revealed the spectacle of great poverty, want of energy, except in martial exercise, idleness and sloth, and little culture, except that of tradition and song. To an Englishman like Captain Burt, accustomed to good lodging and English luxury, life at Inverness, with its squalid streets and its poverty-stricken population, was the reverse of comfortable, though he does not fail to remark the good traits in the character and circumstances of the people. The sight of the occasional fair—of butter, cheese, and other commodities exposed for sale on the muddy street, of a countryman bringing a kid to dispose of for sixpence, or a piece of wood to offer as an axle tree, and purchasing with the price a wooden spoon or platter to complete the furnishings of his miserable hut, of two or three hundred half-naked, half-starved creatures, with despondent countenances, stalking about with their wares, up to their ankles in dirt—wrung from him the compassionate exclamation: "Good God! you could not conceive there was such misery in this island".* Johnson's harsh description of the low state of civilisation from which the Union delivered the Scot, is too rhetoric, and too sweeping to be exact, but it may be deemed sufficiently accurate in the presence of scenes of misery like this. "Till the Union made them acquainted with English manners, the culture of their lands was unskilful, and their domestic life unformed; their tables were coarse as the feasts of Esquimaux, and their houses filthy as the cottages of Hottentots. Since then, progress," he is careful to add, "has been rapid and uniform." †

Progress in the Highlands, however, was neither rapid nor uniform. This, indeed, could not be said of Scotland at all during the first half-century after the Union. One great step in advance was the introduction of the modern

* *Letters from a Gentleman in the North of Scotland*, I., pp. 83-86.

† *Journey to the Western Islands in* 1773, p. 21.

system of holding land by lease. The first attempt at its introduction dates from before the Union. As early as 1609, "the statutes of Iona," agreed to at a conference of the Western chiefs, had recommended the system of legal tenures of land, by the tenants of the "tacksmen". Reform, however, was procrastinated, or only partially inaugurated in a few solitary cases. The only person who enjoyed the security of a lease, was the tacksman himself, who held the land directly of the chief, to whom he was usually related. The tacksman in turn let the soil to subtenants. These were merely tenants at will, liable to be removed at the caprice of their superior, and bound to render oppressive services in return for the precarious privilege of tilling their holdings. Such services included the obligation of working the land of the tacksman, and harvesting its produce, besides numerous payments in kind. Under this system, agriculture had visibly declined from the condition it had attained in the days of Columba and his monks nearly twelve hundred years before! Crops were reared, but only one-tenth was corn, and nine-tenths were weeds. The people still ground their corn in querns. The establishment of a corn mill was a prodigy! Grovelling poverty, abject dependence, idleness and destitution were too often the fruits of the *régime* of the tacksman. Duncan Forbes, who in 1737 investigated that *régime* in Mull, Morven, and Tiree, and reported on it to the then duke of Argyle, denounced its "tyranny" and "oppressive and unmerciful exactions". A few years more of this pernicious system would, he concluded, entirely "unpeople" the islands. Within the previous seven years one hundred families had been reduced to beggary and driven into exile. Suppression of this oppressive system by giving the sub-tenant the power of holding directly of the landlord, on a lease of nineteen years, in return for a fixed rent, with the abolition of almost all the oppressive services, was the remedy advocated by Forbes, as it was the remedy urged some years previously by his prede-

cessor, Sheriff Campbell. Forbes did more than recommend. In virtue of the powers invested in him by the duke, he invited direct offers for the farms, and thus inaugurated a very beneficial reform of agricultural tenancy in the Highlands.*

The reform proceeded but gradually; and well on into the latter half of the eighteenth century the observations of travellers in the Highlands contain denunciations of the vicious system.† Moreover, the Highlander showed himself obstinately slow in adopting better methods of cultivating the soil, which the Lowland farmer was everywhere applying with most beneficial results. In the Highlands and Islands, agriculture long remained stationary The degenerate breed of cattle and sheep was not yet improved. In a country pre-eminently pastoral, the people made no hay, and consequently lost the greater part of their stock during severe winters. They tilled the ground with a primitive plough, and tilled it ill. They raised on the arable land a miserable crop of rye, grey oats, and bere. Bad cultivation made the supply unequal to the demand, and a bad harvest produced oft-recurring famine, as in the terrible years 1739-41, and 1781-2. Sloth, deterioration in man and beast, over-population, are the features that often pain the mind of the traveller. Sometimes the farmer complained of an excessive rent. Johnson records the grievance of one, whose rent had risen from £5 to £25, and who estimated that a fair rent should not exceed £10.‡ The rising prosperity of the Lowland farmer thus reacted unfavourably on the Highlander. Then came the later policy of large sheep farms and deer forests, with consequent evictions and clearances, which

* See *Scotland as it was and as it is*, by the duke of Argyle, pp. 225-280.

† See *A Tour in Scotland in* 1785 *by an English Gentleman* (T. Newte), who complains that the sub-tenant can barely derive subsistence from his labour, and finds in this system the reason why the Highlands have lagged behind the rest of Scotland in prosperity, p. 140.

‡ *Journey*, p. 30.

caused suffering to the man who clung to his holding, and friction between classes. Of the effect of this policy there are notices in the later travellers,* before the century was out, though the evils as well as the arguments in justification of this policy came into prominence in the nineteenth. On the other hand, the development of the fisheries, the application of better methods of farming, the opening up of the country by rail, canal, and road, the attraction of the golden shower of tourist money, the inauguration of a widely available system of schools, are some of the blessings for which the Highlanders may be thankful, as the results of closer contact, dating from about the middle of the eighteenth century, with the civilising influence of the south.

Emigration has been decried as one of the attending evils; but emigration is so far justified, as in every European country, by the facts of over-population, and the struggle for existence. The growth of population† during the eighteenth century is even more remarkable in the Highlands than in the Lowlands. The introduction of the kelp manufacture in the Western Islands, and of the potato all over the mainland—affording employment and cheap food—has been assigned as the main cause of this increase. The population of the Hebrides, for instance, rose from fifty-two thousand in 1755, to seventy-five thousand in 1795. This increase tended to perpetuate poverty, in spite of a new industry, the rise of manufactures in some of the towns, and the possession of an easily propagated vegetable. Agriculture remaining stationary, emigration was the only alternative. For long, emigration, whether to the busy Lowland towns, or to the backwoods of Canada, was not regarded as an evil by the people them-

* *Letters on a Tour through various parts of Scotland in the year* 1792, by J. Lettice, B.D., pp. 365-368. See also *Sketches of the Character, Institutions, and Customs of the Highlanders of Scotland*, by Major-General D. Stewart of Garth (1822), pp. 147-209.

† See *An Economical History of the Hebrides and Highlands of Scotland*, by John Walker, D.D. (1812), I., pp. 17-49.

selves. It began about 1762, and afforded a welcome escape from the effects of a bad rural economy. It encountered the bitterest opposition of the landlords, and called forth the regret of a stray traveller, who complains that the amount of waste land, which he saw in Moray and Banff,* might well afford employment to the stalwart arms of those who were fleeing from the country. It drew down the angry denunciation of the Highland and Agricultural Society, on sentimental and patriotic grounds. But it was long a popular movement, and, as has been pointed out in another chapter, it was one of those beneficent outlets for a teeming and poverty-stricken population, which the Union hastened, if it may not be said to have made possible.

The vast development represented by the advance of Scotland in civilisation and prosperity towards the close of the eighteenth century, formed not only the subject of congratulation to the Scots themselves, but the theme of admiration to numerous English observers and critics. The most flattering panegyrics of Scotland, towards the close of the century, were written by those English travellers who began to invade the Lowland dales and the Highland glens, after the publication of Macpherson's *Ossian* had riveted the attention not merely of England, but of Europe, to the land of the mountain and the flood. The interest excited throughout the world in the Celtic race and in Celtic story, which embrace so large an element of our Scottish nationality, amounted to little short of a resurrection of Scotland on the stage of European history, after a partial eclipse of nearly two hundred years. The magic power of Burns and Scott was speedily to intensify that impression of the vitality of Scottish nationality, as rooted in the treasures of history and romance, and to revive that European status which her warrior sons in former ages had done so much to vindicate, amid the

* *Tour in Scotland in* 1785, p. 159.

smoke and carnage of many a bloody battle-field of Europe! The nationality of a people lives not merely by martial glory and regal splendour. It possesses a nobler, and richer, and more enduring life in the energy of its civilisation and its literature, in the inspiration of its past, whether idealised by the poet, or arrayed, in all its magnetic realism, by the historian. Scotland lived anew at the magic touch of an *Ossian* or a *Waverley;* and with this life pulsing through its veins, the nationality of Scotsmen shall not perish. It was the magnet of this influence that already made itself felt on our English travellers, who, from about 1770 onwards, crossed the border to find themselves no longer in a barbarous land! Let us join their company, and take note of what they say and feel, in order the better to realise the contrast between Scotland before, and a hundred years after, the Union.

The congratulatory tone, Johnson alone excepted, has taken the place of the compassionate and lugubrious accents of their predecessors, in the first half of the century. There is room for animadversion, but the tone of fault-finding is lost in that of appreciation. Pennant * now compliments Edinburgh on its clean streets. In his eyes the broad thoroughfares, busy market-places, numerous shipping, and enormous textile industry of Glasgow, have made it already the rival of Manchester. The Inverness of Pennant is no longer recognisable as the squalid Inverness of Burt. Dundee, Perth, Aberdeen, Montrose and many other towns are equally lauded, not merely as the centres of a busy woollen or linen industry, but as the centres of flourishing agricultural districts, in which the reclamation of the soil, the raising of heavy crops, tree planting, and the enclosure of meadow lands, are eloquent signs of prosperity and plenty. At such places as Kenmore, he pauses to record the significant fact that, thanks to the enterprise of the marquess of Breadalbane, as much as £1600 is being annually earned

* *Tour in Scotland*, I., pp. 62, 250-52; II., pp. 149-51, etc.; *cf. Tours in Scotland*, by Richard Pococke, Scottish History Society, pp. 49-53.

by spinning, by a small population, which forty years before, had known nothing of such prosperity. The most convincing fact of all, as to the abundance of work and wages, is the paucity of beggars; and this, too, in a country, where, at the beginning of the century, they might have been counted by tens of thousands. Some years later "an English gentleman" may be seen viewing, in the most eulogistic mood, the fertile soil, the cheap labour, the sober and steady people, the abundance of coal and water carriage, that furnish material for his notebook in the valley of the Clyde.* In the Highlands, except where the public spirit of an Argyle or a Breadalbane has exercised itself on the problems of estate improvement, and industrial development, his observation frequently provides him with a text for a reforming homily. But as he retires eastwards through Inverness, Elgin, Nairn, Banff, and Aberdeen, and southwards towards Stirling, the advance of agriculture and industry revives the appreciative tone, though he notes that the poorer classes are often still miserably housed. At Stirling, where he pauses to view the smiling scene presented by the valley of the Forth, our traveller bursts into admiration at the change wrought in Scotland since the Union. That change, he reflects, is all the more marvellous, inasmuch as it has only a history of thirty short years,—"a change as rapid as is to be found in the history of any nation; a spirit of adventure and exertion, manifesting itself, not only in arms, but in art of every kind, both mechanical and liberal".† It is in the Scottish capital that this transformation calls forth its most enthusiastic tribute. The spectacle of a new city expanding out of the old narrow town—the emblem of the cramped life of a poverty-stricken nation—is the index of the spirit of enterprise, triumphant in the arts of peace, and of the absorption of new ideas, which have enriched and civilised what was till a few years ago one of the poorest countries

* *Tour in Scotland in* 1785, pp. 96-97.

† P. 46.

in Europe! One branch of industry—the distilling of whisky—comes in for no small share of harsh language, but this is pardonable when the critic is an ale-bibbing Englishman, who has not learned by experience the virtues of a Scottish "dram". The practice of "converting so great a proportion of grain into liquid fire," besides injuring health and morals, has had the effect of decreasing the revenue derived by the burgh corporations from the two-penny, and thus retarding the endeavour after municipal improvement. His condemnation has one redeeming feature. It is mixed with compassion for "the palate that can make a comfortable repast on a gill of whisky and a pickled herring!" Seven years later came the most appreciative observer of all, in the person of the Rev. J. Lettice,* whose professed object is to help to render the moral union of the two nations as complete as the civil. He is enthusiastic enough to say a good word on behalf of "what we vulgarly enough call the Scots brogue," finding the Scottish pronunciation of the vowels more in accord with that of all other European peoples, than in England. To the tendency of his fellow-countrymen to ridicule and depreciate habits and customs north of the border,—not yet, at the end of the nineteenth century, by any means defunct,—he ascribes "the very serious effect of retarding that moral union between two brave and generous nations, so long civilly blended into one, and united by a thousand ties of literary, commercial and political intercourse". "We are all Britons," he exclaims, "from Land's End to the Orkneys; and God forbid that names or sounds, affectation, illiberality, or prejudice, should prevent the natives of Kirkwall and Penzance from regarding each other as Britons and fellow-citizens." Having thus, at the start, unbosomed himself of these cosmopolitan sentiments, our traveller proceeds towards Glasgow, noting with appreciative eye the ever-increasing signs of cultivation and affluence, to exchange views with the savants at St.

* Lettice's *Tour in* 1792.

Mungo's shrine, to admire its architecture and the varied bustle of its streets, and to appreciate even the rigour and staidness of a Scottish Sabbath, and the evolutions of a Scottish reel! His itinerary on both banks of the Firth of Clyde, makes him acquainted with their industry and shipping, with towns rapidly doubling their populations, with a lucrative herring fishing, with groups of whisky-bibbing Highlanders, seeking escape from the poverty of their native glens in such towns as Greenock, with lord Bute's agricultural improvements, and with his lordship's piper "pacing upon the terrace, with a gait full of enthusiasm, and bringing the finest strains from his native instrument, the bagpipe," and filling his English listener with raptures over the "fulness of tone, delicacy of execution, and pathos of expression". The spectacle of the imposing castle and the verdant ducal domain of Inverary excites a high strain of eulogy on the virtues of the dukes of Argyle as landlords, who, since 1745, have spent hundreds of thousands in estate improvement, roadmaking, etc. It is a descent from this scene of ducal magnificence to the mean huts of the inhabitants of Glenorchy, where he passes beyond the line of thriving industry to make acquaintance with lives of struggle and indigence. Even in circumstances so unpropitious, our humanitarian traveller has a good word to say for the dignity of human nature, even if it breakfast, dine, and sup on oatmeal, potatoes, and whisky!

CHAPTER XV.

NATIONALITY AND THE UNION.

AFTER the suppression of the rebellion, a long period of political quiet, approaching almost to stagnation, supervened in Scotland. The attention of Scotsmen centred in the contentions of ecclesiastical champions on the floor of the General Assembly, rather than in the debates at Westminster. The displays of popular ecclesiastical orators took the place, in the estimation of the Scottish people, of those of the warring parties in the old national parliament. The limited number of electors, whom it was easy for the Government of the day to manipulate, precluded the possibility of a popular interest in politics. The long-sustained dispute between Jacobite and Whig, or Hanoverian, which had enlivened party feeling during the first half of the eighteenth century, gradually died into a sentimental reminiscence, after the fateful "forty-five". During the American war, the citizens of Edinburgh were once more alarmed by the appearance of some French cruisers off the Forth; and preparations were made to resist an attack. But the fear of French invasion was no longer intensified by the presence of Jacobite conspirators, as on so many former occasions; and the bellicose citizens found no use for their powder and shot. Scotland was aroused, about the same time, out of its political lethargy, by the movement to repeal the penal laws against the Roman Catholics. There were riots in Edinburgh and Glasgow, and fierce debates in the General Assembly, over the proposed abolition of these unjust and intolerant disabilities.

Principal Robertson exercised a noble eloquence in vain on behalf of justice and toleration. Scotland became delirious with the fever of bigotry, and poured a torrent of hostile petitions into Parliament. The House of Commons rang with the fanatic denunciations of lord George Gordon, who strove to enforce the cause of injustice and intolerance with the plea that the proposed innovation "would be an actual breach of the fundamental conditions on which the union of the two kingdoms was entered into and confirmed," and warned the House that "Scotland would never submit to the arbitrary or oppressive acts of a British Parliament".* The house of a priest and a Roman Catholic chapel were burned in Edinburgh and Leith, and considerable damage was inflicted on the property of Catholic citizens of Glasgow. Henry Dundas, the lord advocate, persuaded the Government to postpone to a more favourable opportunity the repeal legislation in reference to Scotland, which it had put in operation in England and Ireland. The Scottish Catholics, in fear of their lives, petitioned to the same effect; and the popular ferment subsided, not without angry complaints in Parliament against this surrender to mob violence.

Ten years later, the placid waters of Scottish political life were again disturbed, by an ebullition of popular excitement, which took the form of a protest against the representative system, introduced by the Union. The French Revolution stirred the fervour of a number of champions of popular rights. Their fervour proved to be premature. The Societies of United Scotsmen and of the Friends of the People held meetings and formed branches in various parts of the country. Conferences were held, and doctrines, which then sounded revolutionary, proclaimed by the popular orators. Dundas scented sedition. He found the Scottish judges eager to wipe off the stain

* *Parliamentary History*, XX., p. 622; *cf.* 280-282, 322-327. See also a curious collection of papers entitled *Scotland's Opposition to the Popish Bill*; *cf.* Cunningham's *Church History*, II., pp. 385-89.

of disloyalty from the reputation of Scotland, and to inflict severe castigation on the harmless orators, whose misfortune it was to anticipate their age by half a century. Muir, Gerald, Palmer, and other premature orators of the school of Mirabeau, were tried for sedition, and sentenced to transportation. Nothing else could be expected, when a man like lord Braxfield presided over the court, in which they were tried.* The autocratic tirade, in which his barbaric lordship, in summing up against the prisoner, indulged against the popular ideas championed by Muir, is a pointed illustration of the stagnation of Scottish political life, at this time. "The panel's haranguing such multitudes of ignorant weavers about their grievances might have been attended with the worst consequences to the peace of the nation, and the safety of our glorious constitution. Mr. Muir might have known that no attention could be paid to such a rabble. What right had they to representation? I could have told them that the Parliament would never listen to their petitions. How could they think of it? A Government in every country should be just like a corporation; and in this country it is made up of the landed interest, which alone has a right to be represented. As for the rabble, which have nothing but personal property, what hold has the nation of them? What security for the payment of their taxes? They may pack up all their property on their backs, and leave the country in the twinkling of an eye; but landed property cannot be removed." It was an Englishman, Fox, who pathetically remarked of this deliverance, "God help the people who have such judges!" There was no help for it from God or man for many a long day, however. The

* It was the notorious Braxfield, that on the occasion of the trial of the unfortunate Muir, who had pleaded as an advocate in that very court, whispered to one of the jurors, as he was passing behind the bench on his way to the jury box, "Come awa', Maister Horner, come awa', and help us to hang ane o' thae daamned scoondrels".—Cockburn's *Memorials of his Time*, pp. 113-117.

popular movement was nipped in the bud. The distraction of a twenty years' war postponed the consideration of the extension of that representation,* which the Union settled for Scotland for the space of a hundred and twenty-five years. After the war, the question slowly forced itself to the front, amid spasmodic tumults, followed by more trials for sedition, until the triumph of Reform in 1832 paved the way for the larger measures of 1868 and 1884.

The Reform Bill put an end to that political lethargy, which Scotland had inherited from the Union. The removal of the seat of legislation from Edinburgh to London, had practically left Scotland to be governed by the lord advocate, especially after the abolition of the office of Scottish secretary. It was ruled, not by the British Cabinet, but by a succession of the ablest Scottish lawyers of their time. This much merit may be allowed to a practically autocratic system,—it ensured that Scotland should be governed by a Scotsman, usually a very able Scotsman. It favoured nepotism and corruption; it was not favourable to political progress. But it was the guarantee of self-government of a kind; that is to say, there was less interference in the government of Scotland by English statesmen, than there had been in the pre-Union days of Fletcher, whose bitter cry was the prevalence of English domination. How Scotland was administered gave the Imperial Parliament little concern, so long as the routine of business went smoothly on, under the auspices of the chief Scottish law officer of the Crown. Occasionally a dissenting voice was heard in protest against the neglect of Scottish interests, as when lord George Gordon uttered a complaint on the defencelessness of Scotland in 1779, in view of the possibility of a Franco-Spanish invasion.† The people, engaged in the absorbing task of reclaiming the country from poverty, were, as a rule, equally unconcerned and submis-

* The total number of voters in Scotland in 1812 was only 2605. See Wilson's *Political State of Scotland*, 1707-1832.

† *Parliamentary History*, XX., pp. 1178-84.

sive. That this autocratic system was compatible with unbounded popularity is shown by the example of Dundas, the first lord Melville, who wielded his vast influence amid the enthusiastic plaudits of his countrymen. His monument, in St. Andrew's Square at Edinburgh, is, to some extent, the national memorial, erected to this semi-patriarchal system of one-man government.

With the revival of political life, that led up to the Reform Bill and beyond it, awoke that critical spirit which put an end to the reign of the uncrowned kings of Scotland. It discovered that under the old system of autocratic self-government, the interests of Scotland had, in some respects, suffered. It discovered that under the Union settlement, Scotland had not always got its due. It had made rapid strides in trade, manufactures, and agriculture. A comparison between the state of the people in the second quarter of the eighteenth, and that in the first quarter of the nineteenth century, revealed the fact that Scotland had prospered to a degree, beyond the most sanguine dreams of the men who made the Union. "Nor was it till after the year 1745 that the activity, industry, and genius of the Scots were beneficially directed to illustrate and improve the land of their nativity. From that year the improvements have proceeded, and are still proceeding, with accelerated motion. Were any of the former generations now to start from their graves, with what astonishment would they view the science, the arts, the manufactures, commerce, and wealth of their country! Were Fletcher, who, on the Union, could imagine no cure for the barbarism of Scotland, except reducing the crowd of idle vagrants, by whom it was infested, to a state of domestic slavery,—were he now to return and behold the flourishing state of our cities, and the cultivation of our fields, how would his patriot heart dilate at the difference of the scene! We cannot recall these eminent men, who looked forward with almost hopeless wishes for the progress of their country's prosperity; but we may awaken feelings somewhat akin to those we imagine they would have in-

dulged, by comparing the state of Scotland at different periods, and those at no great distance, as represented by strangers; and our honest nationality may without reproach indulge a triumph in the comparison." *

Notwithstanding the vastness of this change for the better, the critical spirit, aroused by the Reform Bill movement, has found vent, since then, in a good deal of grumbling at the working of the legislative Union. Whilst accepting an incorporating, in preference to a federal union, and recognising both the necessity and the merits of the settlement of 1707, voices † were raised in protest against the excess of centralisation, which bade fair to reduce Scotland to the position of an English province. Politicians and reviewers once more exchanged blows over the relations of the two countries. Half a century ago, the predominant view of the Union among Englishmen was, it appears, that it was merely an act of annexation. One ignorant scribbler had the audacity to distinguish between Scotland as the incorporated, and England as the incorporating, body. The Scottish champions vigorously rebutted the idea that the Union denationalised Scotland, and claimed the observance of its treaty rights. They complained that, while there was equality of taxation, there was not equality in the matter of allowances for national purposes. While England and Ireland were liberally dealt with, in the grants to public institutions, those of Scotland had suffered from the want of adequate support from the public funds. While the revenue of Scotland, for the year 1852, amounted to over six millions, only £400,000 of this sum were expended in the country. For the same year, the Irish revenue was four millions odd; but the whole, with the exception of a mere fraction, was spent for the benefit of Ireland. Parliament had, in like manner, been conspicuously generous in its treatment of purely English interests and while £181,960 were devoted to the embellishment

* *The Contrast of Scotland as it was in the year* 1745, *and as it was in the year* 1819, pp. 8-9.

† See, for instance, *Blackwood's Magazine*, Vol. LXXIV, 1853.

of English parks and palaces, not a shilling was forthcoming for the repair of Holyrood or Linlithgow. The fact looked all the uglier, inasmuch as a large revenue was derivable from the crown lands in Scotland, administered in London by Englishmen, who were indifferent to the demands of the province north of the Tweed! The treaty of Union carefully provided for the administration of Scottish funds by Boards in Scotland. By the abolition of these Boards, the provisions of the treaty were overridden with such baneful results. "As a country advances in wealth," remarks our patriotic critic, "the seat of government will always prove the centre point of attraction. The fascinations of the court, the concourse of the nobility, the necessary throng of the leading commoners of Britain during the parliamentary season, are all in favour of the metropolis. To this, as a matter of course, we must submit, and do so cheerfully; but not, by any means, because we are in the situation of an English province. It never was intended to make us such; nor could the whole power of England, however exerted, have degraded us to that position. London is not our capital city, nor have we any interest in its aggrandisement. We do not acknowledge the authority in matters of law of the chief justice of England; we are altogether beyond the reach of the southern ecclesiastical courts. These are not accidental exceptions, they are necessary parts of the system by which it was provided that, in all things concerning our local administration, we were to have local courts, local powers, and a local executive. We complain that in this respect the spirit of the treaty has not been observed. Our Boards of Customs and Commissioners of Excise have been abolished, the revenues of the Scottish woods and forests are administered in London, and applied almost entirely to English purposes, and a like centralisation has been extended to the department of the stamps and post office."

Higher education in Scotland had been scandalously

neglected under the Union settlement. Thanks to the wisdom of the old Scottish Parliament, the country had been provided with an excellent educational system, under which Scotland had, for over a hundred years, enjoyed the boon of free parish schools, until the Government introduced the obligation of paying fees, at the commencement of the present century. The universities had received but scant recognition, though they conferred both benefit and renown on the country. In response to the well-founded complaints on this subject, a Commission was appointed in 1826 to examine and report. The commissioners reported in 1830 * that the Scottish universities were inadequately endowed. Twenty-two years passed, and still reform had made no progress, in spite of bulky blue-books and parliamentary speeches. The only party connected with literature who derived any benefit from the inquiry was the English printer! This reproach has happily been partially wiped out by the excellent work done by two successive Commissions appointed, since the time that the charge of neglect was raised, with such abundant justification. But the system which could so long retard the progress of the country, in some of its highest interests, even after their neglect had been officially exposed in strong terms, has to be noted as a serious blot on the operation of the Union *régime*. A system, too, that could transplant the management of Scottish education to London, and reveal the wisdom of its deliberations by countenancing the appointment of purely English-speaking teachers in Gaelic schools, has palpably laid itself open to the demand for reform. To locate the Scotch Education Department in the capital of England, is surely an anomaly, to put it mildly.

There was one infraction of the treaty, which continued far into the nineteenth century, to bear the bitter fruits of strife and disunion among the Scottish people.

* See *General Report of the Commissioners appointed to visit the Universities and Colleges of Scotland*, October, 1830.

This was the Patronage Act of 1712, so fiercely assailed at the time of its passing, as an infringement of the security guaranteed to the Church of Scotland in 1707. During the succeeding twenty years the Act remained largely inoperative. The majority of the patrons left the people the right of calling their own pastors; but there were not wanting cases in which, taking advantage of the law, they obtruded obnoxious presentees on the congregations. Presbyteries which refused induction, on the ground of the dissent of the people, came into collision with the Assembly. The Assembly attempted to solve the difficulty by leaving the decision, as between patron and people, with the Presbytery. The more determined sympathisers, among the clergy, with the rights of congregations, loudly denounced this prudent measure, not only as an unwarranted surrender of the privileges of every Christian, but as treason to the Head of the Church. They found a leader in Ebenezer Erskine, minister of Stirling, a man alike narrow in his theology, and full of an overweening sense of his own enlightenment. Erskine inveighed, in a sermon preached before the Synod of Perth, against the Act of Assembly, in a strain of arrogant defiance. He and three associates were called to account, in 1733, at the bar of the supreme ecclesiastical court. They refused to retract, and were ultimately deposed. The sentence evoked a furious outcry, among his numerous adherents, against a backsliding Church. A secession ensued, and its leaders formed themselves into the Associate Presbytery. It was one of those ecclesiastical breaches, arising from difference of opinion on a mere point of Church law and government, which have so often set Scotsmen by the ears. The secession was not very formidable, but the testimony of these insubordinate preachers kept the spirit of strife alive. Disputed settlements followed each other in rapid succession. Between the years 1740 and 1750 there were no fewer than fifty such cases dealt with by the Assembly. Another secession took place in 1761, under

the name of the Relief Presbytery. Gillespie, its leader, took his stand, in his resistance to patronage, on the Union settlement.

To put an end to the interminable strife, the Church again and again, during the first half of the eighteenth century, petitioned Parliament to remove the apple of contention. It petitioned in vain. In the latter half, the Moderate party, whose leader was the celebrated historian Robertson, obtained the upper hand, and accepting patronage as the law both of Church and State, denied the necessity or even the validity of a call to legalise a presentation. This position was resisted by an active minority, Evangelical in doctrine and Liberal in politics. The contest continued into the nineteenth century; and, at last, gave rise to the far more formidable secession of 1843, by which Scotland was anew torn by ecclesiastical faction. For thirty years longer, this bone of contention formed the subject of bitter wrangling, until patronage was abolished in 1874,* and the Church brought back to the position of congregational freedom, which it had claimed and secured in 1690.

This legislation might have been expected to pave the way for a reunion of the various elements of Presbyterian dissent with the Established Church. This reasonable expectation was disappointed, to the loss and scandal of Scottish Christianity. The abolition of patronage failed to satisfy the demand for absolute freedom from State control, enunciated by the Free Church Claim of Right. The other Presbyterian dissenters, subsequently merged into the United Presbyterian Church, had, through the influence of a long period of opposition to the establishment, ranged themselves under the banners of Voluntaryism and Religious Equality. One of their cardinal dogmas is, the separation of the connection between

* An impartial and dispassionate account of the long struggle over patronage will be found in Cunningham's *Church History of Scotland*, Vol. II.

Church and State. The Free Church, though recognising this connection in its standards, has swerved aside to the same position, in spite of the protest of a constitutional minority of its ministers and members.

With the ecclesiastical aspect of this change we are not concerned. Its significance in relation to the treaty of Union is, however, a matter for consideration. The Act of Security, embraced by that treaty, is undoubtedly a fundamental of that measure, and the crusade against the establishment touches a great constitutional as well as an ecclesiastical question. On this ground, it is a question of the highest import, not merely to rival Churches, but to the people of Scotland. The Church, as established and secured by the Union, is a main prop of Scottish nationality. It is one of the few great distinctive institutions, which still give Scotland a right to be regarded as a nation. If it is disestablished, in deference to certain theories about the relation of Church to State, it must be borne in mind that an essential part of the Union, and a distinctive feature of Scottish nationality, will, alike, be destroyed along with it. The men who made the Union acted under the conviction that they were securing both to the people of Scotland to all time. Words could not be more decisive and positive than the terms of the treaty in this respect. It is for the people of Scotland calmly to consider the question from this point of view, apart altogether from the contentions of rival ecclesiastics over theories of Church government. Church leaders, whether friends or assailants of the establishment, owe it to the memory of their forefathers, as well as to the inheritance of their nationality, that this aspect of the conflict should be placed before the people of Scotland, in reverent and unimpassioned homage to history. A nationality that is based, not on institutions, but on sentiment and historical reminiscence, can with difficulty continue to differentiate itself from that of the great nation with which we are united. It is for the Scottish people to decide whether

they are prepared to accept the prospect of partial national effacement at the expense of a religious equality, to which no consideration, that militates with its sweeping demands, seems sacred, though backed by facts even dearer, we presume, to every Scottish heart, than religious equality,—love of country and pride of nationality.

A growing conviction is observable about the middle of the nineteenth century that Scotland was inefficiently administered under the *régime* of its lord advocates—a *régime* which had lasted fully a hundred years. The public duties of that hard-wrought official had become so multifarious and burdensome—in addition to a large private practice—that Scottish business was bound to suffer in his hands. Complaints were rife of the miserable shifts to which Scottish deputations to London were put, in order to obtain a hearing from some member of the Government, or find a remedy for their grievances even when they managed to discover the proper quarter to which they should address themselves. To remedy this deplorable state of matters, Scotsmen began to demand the revival of the office of Scottish secretary of state. The demand merited the approval of all parties; but another thirty years of grumbling elapsed before the Government found it expedient to yield to it. The conviction that Scotland had suffered in her legislative interest, under the Union settlement, is not confined to patriotic Scottish politicians. In a speech at Aberdeen, in 1871, Mr. Gladstone admitted, "without the least hesitation," that Scotland had good reason to complain of neglect at the hands of the United Legislature. It has been customary for one political party to lay the guilt of its parliamentary sins of omission at the door of the other. The Scottish Conservatives, at least, may disclaim responsibility, for the simple reason that, as a Scottish party, they have, since the Reform Bill, been excluded from any appreciable influence in Scottish affairs. From 1833 onwards, Scotland returned a Liberal majority to Parliament. The action of this majority has sometimes

been impeded by a Conservative majority in England. But whatever party has held the balance over the United Kingdom, the fact is undeniable, that English, Irish, and imperial interests have been allowed, to an extent highly prejudicial to Scotland, to override those of the smaller country. History has thus, partly at least, confirmed the fears of the opponents of the Union as to the danger of Scotland being swamped by the competition of English claims in the United Legislature. How many Scottish bills have had the luckless fate of being crushed to death in the rush for the honour of parliamentary discussion? We need not impute an intention on the part of English politicians to exclude Scotland from its due share of legislation, in preference to England and other parts of the empire. The pressure of business is a palliating circumstance, and the same complaint of neglect is sometimes heard in reference to England and Wales; if, in recent times, the same may not be said of Ireland. The concession of a special secretary of state, in addition to the lord advocate, for the administration of Scottish affairs, is an evidence of a disposition to weigh fairly the complaints of Scotland, and to contribute to their removal. The old aspersions against English fairness and honour are happily out of the question; though some patriotic Scot is occasionally to be found indulging in a strain of recrimination that recalls the fierce days of Belhaven, Fletcher, and Lockhart. But even a Scottish secretary has proved no adequate remedy for the evil of legislative over-pressure, and consequent legislative neglect. Since the institution of that office, the outcry has increased rather than diminished. A demand has arisen, and even formed the subject of parliamentary debate, for the modification of the Union itself. Politicians like the marquess of Bute and the late Professor Blackie, and, in a qualified sense, even Mr. Gladstone, as well as a number of Scottish members of Parliament, and other public-spirited Scotsmen, have begun to advocate nothing less than the establishment of a national Parlia-

ment at Edinburgh, as the only solution of the difficulty.

The movement has come in the wake of Irish Home Rule, and has been organised by the Scottish Home Rule Association, founded in 1886. The Association has published a considerable amount of controversial literature,* dealing, in a sketchy fashion, with the history and the results of the Union, and giving information on the financial and legislative problems, of which it undertakes to offer a solution. This literature has called forth a number of review and other articles, independent of the Association, in which the subject of the Union has been discussed from a variety of standpoints, hostile or friendly, according to the politics of their authors. Taken in connection with the Irish Home Rule controversy, in the course of which the Union settlement of 1707 has been so industriously referred to by the controversialists on both sides, it is not too much to say that the great measure, which has blended the imperial history of England and Scotland for nearly two centuries, has, during the last ten years, enjoyed a singular prominence, as remarkable as the obscurity to which it had long been consigned. The ideas of the Association, as to the realisation of its Home Rule project, are somewhat indefinite. This is shown by the fact that it disclaims responsibility for the individual views, enunciated in the publications issued under its sanction. These ideas are evidently chaotic. The history of the

* See, among other contributions to the discussion of this question, *How Scotland lost her Parliament, and what came of it*, by Charles Waddie; *Is Scotland to be sold again?* by W. Mitchell; *Prospectus of the Scottish Home Rule Association* (1892); *Report of the Debate in the House of Commons on Mr. Dalziel's Motion in favour of Home Rule for Scotland* (April, 1894); *Parliament in Scotland*, by the marquess of Bute, K.T. (*Scottish Review*, October, 1889); *The Financial Relations of Scotland and England*, by W. G. Hunter, M.P.; *The Union of 1707 viewed Financially* (*Scottish Review*, October, 1887); *How the Scottish Union has worked*, by John Downie (*Scottish Review*, October, 1892); *Scotland and her Home Rulers* (*National Review*, October, 1891).

Union, which one finds compressed into these controversial pamphlets, is certainly far from dispassionate, or according to knowledge. The circumstances of the time, the motives of the chief actors on both sides, the effects of the measure, are usually touched on with but scant traces of that comprehensive knowledge and judicial tone, which result from thorough investigation alone. No one who has tried to grapple with the large amount of documentary evidence, relating to this great transaction, can have much respect for some of the bold assertions of these earnest, but somewhat short-sighted pamphleteers. There is too much of party spirit, too little of adequate knowledge, in this patriotic literature. The charge of bribery is, as a rule, hurled against the makers of the Union, without the slightest attempt to examine, in an unbiassed or charitable spirit, the evidence on which it is based. The fact that the opposition to the Union proceeded, to a considerable extent, from an active Jacobite party, which veiled behind this popular cry its irreconcilable designs against the Hanoverian succession, is usually left out of account. Without this, however, it is impossible to understand the discussion of the question, whether outside or inside Parliament House. No allowance is made for the political necessities of the age, wherein lies the real secret of the measure; and therefore the statesmanship of its authors is denounced, and their motives misjudged. These qualities vitiate history, and damage the movement in the eyes of impartial and well-informed observers.

While the Scottish Home Ruler, judged by his pamphleteering representatives, is wanting in historic conscientiousness, none but the prejudiced will deny him the merit of patriotism. The political abuses, which history has produced, have made him a Home Ruler. When he leaves off making broadside assertions which he cannot substantiate, and concerns himself with the patriotic endeavour to benefit his country, by discovering these abuses and advocating their remedy, he is performing a public

service. His general object is intelligible enough. While maintaining the integrity of the empire, he aims at securing a separate legislature and executive for Scotland, for the management of Scottish affairs. He undertakes to foster Scottish nationality, and maintain her national rights. That is to say, he desires to return, at the end of nearly two centuries, to the position maintained by the Scottish anti-unionists in 1707. Like them, he is of opinion that a federal, instead of an incorporating union is the only form of union that is compatible with the interest of Scotland, and the maintenance of Scottish nationality. This contention involves, of course, a radical modification of the Union; but it is not open to the objection that it would tend to obliterate more and more Scotland's distinctive institutions. On the contrary, it is dictated by the desire to restore the most distinctive national institution of all, the old Scottish Parliament, for the legislation of purely Scottish questions.

As was formerly remarked, there is no reason—very much less reason now than during the Union controversy—why the project should be regarded as dangerous, or necessarily impracticable. Take the case of two countries, situated as Scotland and England are. Both are possessed of ripe experience in the arts of legislature and government. Both have a vast interest at stake in maintaining that mighty empire, on which the sun never sets. Both are endued with intense national sentiment, along with a common pride in the achievements of the great men of both nations, who have contributed to build up that wider nation of imperial Britain. Both are impressed with the conviction, that the united Parliament is overburdened with the weight of imperial and national questions. The necessity of sub-division of legislative labour is forcing itself upon the attention of all parties. Tentative endeavours have already been made, with good results in this direction. There can be nothing revolutionary, in the bad sense of that word, in agreeing to devolve on two, or, if

Wales be included in this distribution of responsibility, say three, national Parliaments, the work that is at present so unsatisfactorily performed by one unwieldy body in London. Is there any insuperable obstacle in the way of retaining one imperial legislative body for the despatch of imperial business? There may be more practical difficulties than there seem to be on paper, but they have been solved by other great empires before now. In the case of Germany, to take the most recent example, we have a great State which has risen to unity by the adoption of the principle of combining national or local legislatures (*Landtage*) with an imperial Parliament or *Reichstag*. Is Germany worse governed or less united than Great Britain, because its component States enjoy what goes in this country under the party name of Home Rule? We leave the case of Ireland out of consideration, as being subject to the objection that the experiment of Irish Home Rule is at present inexpedient and dangerous, owing to the peculiar circumstances of religious division in that country; though the case of Germany might again be cited to prove that the danger is capable of being surmounted. We confine ourselves merely to the case as between two countries, in which the danger of internal friction and civil war is non-existent. If imperial unity is compatible with the subdivision of local legislative labour in an empire, formerly divided by religious and historical contentions, and whose larger States were but yesterday at war with each other, how much more so in the case of two peoples, whose international animosities have been obliterated in the long interval of two centuries of mutual friendship!

A priori, then, the case for national legislatures in Great Britain is not incompatible with the larger patriotism, which we cherish as citizens of the greatest empire that the world has ever witnessed. Taking now the special circumstances of Scotland, let us ask, what the men who advocate Scottish Home Rule have to say on its behalf? They affirm that a national Parliament at Edinburgh could

meet the demands of Scottish legislation more efficiently than is done by the British House of Commons. If they can prove this part of their case—and perfervid arguments, of a few months or years' standing, should not be allowed a premature sway—they have unquestionably gained the day. What, then, do they complain of in support of their contention? They complain that Scottish legislation is jostled out of the running in the race for supremacy with English, Irish, and imperial measures. The history of the last half-century has admittedly tended to substantiate the complaint. They object that Scotsmen are put to an enormous expense by the necessity of constant deputations to London, by the cost of private bill legislation, and by appeals to the House of Lords. This position is incontrovertible. They maintain that a large proportion of this expense is incurred to no purpose, by the opposition of English members to Scottish measures. There is less ground for this grievance, and at any rate Englishmen are entitled to some extent to retort that they have the same fault to find in regard to the action of Scottish members, who may join with the Irish and an English minority to swamp the public voice of England. They say that the money thus expended is carried out of the country to enrich an army of English parliamentary agents, and that it might be spent both more patriotically and practically in the Scottish capital. The Scots, it may be answered, get a return for their money in the shape of the measures which Parliament passes. This fact ought not to be overlooked; but the answer is, that the business could be better done, and done more cheaply in Scotland. One fact is certain, unless more radical measures are adopted in the direction of Home Rule, than have hitherto been attempted, for remedying what are admitted to be reasonable grievances, Scotsmen will not continue to acquiesce in the present unsatisfactory *régime*. Men will not pay large sums for an effete order of things, merely because that order is a part of the constitution, established two hundred

years ago. They may reasonably conclude that expediency, apart from a mere doctrinaire patriotism, suggests the establishment of a national legislative Council, as the logical sequence of the County Council.

This is not the sum of the Home Ruler's contention. He complains that Scotland is overtaxed in comparison with England and Ireland, and that Scotland receives an inadequate return out of the British exchequer. The Home Rule literature abounds in calculations intended to prove this. The weakness of these calculations consists in the fact that they are indefinite, and therefore, to a certain extent, unreliable. Our perfervid Home Ruler is not at all nervous in dealing with hundreds of millions; and some of these calculations run wild in their appalling results. They will, at least, serve to amuse the future historian, when investigation has produced definite, or approximately definite figures. There is, all the same, room for the conviction that, apart from taxation for imperial purposes, which must always be equal throughout the whole of Great Britain, Scotland ought to be less heavily burdened in proportion to wealth and population than is the case at present. One recent writer,* who seems to keep himself within the range of probability, estimates the sum with which Scotland is overtaxed, at £1,100,000 per annum. It must not be forgotten, however, that, as far as the Scottish revenue is derived from income and property, this fact is simply an evidence that Scotland has proportionally overshot both England and Ireland in wealth. There is a good deal more force in the complaint, that, although the Scottish contribution to the imperial revenue is relatively so high, she does not derive the benefit she is entitled to claim in the matter of allowances. The proportion of the expenditure for the civil service ought to be higher. She may lay claim to a larger share of the expense of maintaining the army and navy.

* Dr. Hunter.

She ought to have larger sums spent on her public institutions. Aberdeen University, for instance, has been petitioning during recent years for a Government grant to help to defray the cost of building extensions. Her petition was more than once politely refused on the plea of budget necessities. The plea is not defensible, in view of Scotland's generosity to the exchequer, in relative comparison with England or Ireland. Were it a petition backed by half a dozen English dukes, for some English public object, would not the funds be forthcoming, out of the abundance of the Scottish revenue? St. Andrews wants, say, a chair of English Literature, or of General History. Have not Scotsmen a right to demand a Government endowment for objects so palpably patriotic, even from the English point of view, out of the surplus of Scottish money, spent, perhaps, on some petty scheme in Africa or New Guinea? Scotland, it is said, is so orderly, and so well served by her official class, that it is unnecessary to spend more on her military and civil services. Scotland is certainly peaceable, and the Government services are in a state of efficiency. But it is a question whether she is not practically defenceless, in case of a threatened invasion, and whether the Government might not have reason to curse their short-sightedness, as in 1708, 1715, and 1745, in leaving her without adequate fortifications, and at least one central and thoroughly-equipped naval station. She may not unreasonably demand a Government subsidy out of the large sum which, according to even the most moderate calculations, has to be placed to her credit, for the purpose of carrying out the great project, whose commercial and strategic importance is self-evident, of a deep-sea canal uniting the two estuaries of the Forth and Clyde.

Finally, the argument based on nationality is a strong one. It is the unfortunate tendency of combination with a stronger people, that the weaker is in danger of being absorbed, and its nationality depreciated. The political status of Scotland declined the moment her king accepted

the crown of England. In the diplomatic world she became practically non-existent, and so unfairly were her interests represented at foreign courts by the English ambassadors, under the regal union, that the demand arose for separate Scottish representatives at the European capitals. With the inauguration of the legislative union, her national existence, in a political sense, ceased. This alternative she was compelled to accept as the price of free trade. England, it must be remembered, accepted the same alternative as the price of legislative unity. In the concert of the European nations, Great Britain alone remained, greater and stronger from the fact that her king was the sovereign of an united kingdom. Englishmen, however, have practically ignored the fact. They accept the treaty, and at first admitted the fact. Only a few months after the completion of the Union, we find lord Haversham apologising in the House of Lords for inadvertently using the name England in place of Great Britain.* The English members of both Houses of Parliament now seldom use any other when speaking of the United Kingdom, or even of the vast British empire. They have carried the tendency so far as to insert the name of England for Great Britain in an important treaty with a foreign State. They might, with as much reason, have made use of the term Scotland; but then every Englishman from Land's End to the Tweed would have been furious, and the error promptly rectified. As it was, Scotland had to be content quietly to pocket the assumption of her domineering sister. This constant use of the term is entirely unconstitutional. Were it nothing more reprehensible than an error of taste, it would only be another illustration of the self-conscious character of the Englishman in such matters; and the sturdy Scot might let it pass in silence, as an evidence of supercilious thoughtlessness, rather than an intentional insult. But it is more than that—it is

* *Parliamentary History*, VI., p. 598.

a transgression both of history and of the constitution, and shows that the conditions of the treaty of Union are becoming, to the Englishman, in an important respect, a dead letter. It is well to remind him that Scotland parted with its separate political existence on equal terms with England; and that the Union by no means obliterated Scottish nationality, as it by no means effaced that of England. To write and speak of the laws, the church, the universities, or other institutions of England, is strictly correct, and entirely constitutional; it is no less so to speak of those of Scotland: for the legal, ecclesiastical, and educational institutions of both countries were preserved as a distinct national inheritance to the respective peoples. To speak of the English army, the English navy, the English Parliament, or, in the sense in which it is frequently done, the English people, is both bad history and bad constitutional law. A protest on this matter usually excites a laugh on the other side of the border, and even among Scotsmen, who have learned to speak of themselves as "Englishmen". In the face of history, the laugh should be the other way; and no piece of arrogance or ignorance, whichever it be, better deserves the ridicule. The subject may appear trifling to our self-conscious compatriots; but they should have the good sense to remember, that the Scotsman has as much right, on national and historical grounds, to the quality of self-consciousness, as the Englishman; and that the assumption that his nationality may be ignored with a laugh is as irritating to the Scottish, as it would be to the English patriot. There is no doubt that this ungraceful English custom inclines many Scotsmen to look with favour on a measure of Home Rule, which, by reinstating the old Scottish Parliament, would be a much-needed bulwark of Scottish nationality, against this insidious tendency to ignore it. Englishmen ought to know that they cannot obliterate Scottish nationality by perpetually harping on that of England, and attempting to dazzle Scottish eyes with the glamour of English great-

ness as such. The true Scotsman, with his immemorial history, with the grandeur of his eternal hills, contrasting with "the tame beauties" of England, and the deeds of his ancestors, to remind him of his cherished past, will never submit to be patronised as an Englishman. If there had been a suspicion of such a result in the mind of the Scottish unionists, there never would have been an incorporating union, which meant to them, and still means to their posterity, the conjunction of two peoples in their international and imperial interests, not the obliteration of their respective nationality. Mere sentimental and impracticable rhetoric! retorts our unsympathetic English reader. What has become of your Scottish nationality, he demands in a tone of supercilious compassion, after two centuries of association with Old England? To all such we venture to present a not very arduous lesson in history, followed by a delightful trip to certain parts of Scottish scenery. Let them study the treaty of Union; and then pay a visit to Holyrood, to Iona, to Abbotsford, to Dunfermline, Stirling, Linlithgow, and Scone; and perhaps the secret of Scottish nationality will at last dawn on their nebulous brains. Let them then meditate on the contributions made, since the Union, by Scotsmen to the literature, the science, the political thought, the civilisation of the world, and the fact will become still more patent. A people that can claim the national continuity of a long series of great men, whose deeds might make any people proud of its national inheritance, will never consent to part with the symbol of so much that is inspiring and ennobling in its history—a symbol imprinted in the records of a hoary past, and inscribed on its national monuments.

The growing intensity of this sense of the past and of its claims is one of the signs of the age. The history, art, architecture, literature, political and social institutions of byegone ages, are calling forth a quickened interest. The effort to restore our ancient ecclesiastical buildings, which

has become a passion, and which has so successfully been realised in several notable cases; the no less laudable efforts to preserve the archæological remains of past centuries from destruction or oblivion; the praiseworthy enterprise of the Scottish History Society, and the numerous learned clubs, both literary and antiquarian; the establishment of clan societies; the never-failing appreciation of the patriotic strains of a Burns or a Scott; in a word, the strong instinct of home and country, which inspires the Scot all over the world, bear witness to the fact that the consciousness of the past has not been stifled by the altered conditions of the present. We, therefore, venture, with less hesitation than would otherwise have been the case, to offer this study of a great movement and its results, which have affected Scotland to the core, and have exercised a mighty influence on the vast empire, of which we boast a common citizenship with Englishmen, Welshmen, and Irishmen, in the hope of contributing, by our imperfect effort, to intensify all that is good and commendable in this tendency, whilst deprecating what is narrow, overweening, and offensive. To this hope we may subjoin the wish that this study may help to increase the knowledge of the reciprocal relations of England and Scotland these two centuries back, which is the surest guarantee of mutual esteem and good fellowship in the future.

THE END.

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